

("Excel"), alleging a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based upon the importation into the United States, or in the sale of certain hand dryers and housings for hand dryers by reason of trade dress infringement, the threat or effect of which is to destroy or substantially injure an industry in the United States. See 81 FR 50549–50 (Aug. 1, 2016). The notice of investigation identified twelve respondents: ACL Group (Intl.) Ltd. of Skelbrooke, United Kingdom ("ACL"); Alpine Industries Inc. of Irvington, New Jersey ("Alpine"); FactoryDirectSale of Ontario, California; Fujian Oryth Industrial Co., Ltd. (a/k/a Oryth) of Fujian, China ("Oryth"); Jinhua Kingwe Electrical Co. Ltd., (a/k/a Kingwe) of Jinhua City, China ("Kingwe"); Penson & Co. of Shanghai, China ("Penson"); Taizhou Dihour Electrical Appliances Co., Ltd., a/k/a Dihour of Wenling City, China ("Dihour"); TC Bunny Co., Ltd. of Shanghai, China ("TC Bunny"); Toolsempire of Ontario, California; US Air Hand Dryer of Sacramento, California ("US Air"); Sovereign Industrial (Jiaxing) Co. Ltd. d/b/a Vinovo of Jiaxing, China ("Vinovo"); and Zhejiang Aike Appliance Co., Ltd. of Zhejiang, China ("Aike"). See *id.* The Office of Unfair Import Investigations ("OUII") is also a party to this investigation. See *id.*

The Commission terminated six respondents from the investigation based on consent order stipulations and the entry of consent orders. These terminated respondents are: Alpine, Order No. 11 (Sept. 8, 2016), *not reviewed*, Notice (Oct. 11, 2016); Kingwe, Order No. 12 (Sept. 8, 2016), *not reviewed*, Notice (Oct. 11, 2016); ACL, Order No. 15 (Sept. 28, 2016), *not reviewed*, Notice (Oct. 27, 2016); Aike, Order No. 16 (Oct. 4, 2016), *not reviewed*, Notice (Nov. 3, 2016); Toolsempire, Order No. 18 (Oct. 11, 2016), *not reviewed*, Notice (Nov. 14, 2016); and FactoryDirectSale (Order No. 19 (Oct. 11, 2016), *not reviewed*, Notice (Nov. 14, 2016).

The Commission found the six remaining respondents in default based on their failure to respond to the complaint and notice of investigation. These respondents ("the Defaulted Respondents") are: Penson, Dihour, US Air, Oryth, TC Bunny, and Vinovo. Order No. 21 (Oct. 31, 2016), *not reviewed*, Notice (Nov. 28, 2016); Order No. 24 (Feb. 2, 2017), *not reviewed*, Notice (Feb. 22, 2017).

On March 24, 2017, Excel filed a motion for summary determination on domestic industry and violation of section 337 by the Defaulting

Respondents. Excel also requested a general exclusion order, cease and desist orders, and a bond rate of 100 percent of entered value during the period of Presidential review. On April 5, 2017, the OUII filed a response in support of Excel's motion and requested remedy. On June 2, 2017, the ALJ issued the subject ID/RD (Order No. 27), granting the motion and recommending that the Commission issue a general exclusion order, issue cease and desist orders, and set a bond at 100 percent of entered value during the period of Presidential review. No petitions for review of the subject ID were filed.

On July 14, 2017, the Commission determined "to review the ID's analysis and finding with respect to the existence of a domestic industry." Notice (July 14, 2017). The Commission also sought written submissions on two issues from the parties, and written submissions on remedy, the public interest, and bonding from the parties and the public. The Commission received a main submission from OUII on July 27, 2017, a main submission from Excel on July 28, 2017, and a reply submission from OUII on August 2, 2017. No other submissions were received.

Having examined the record of this investigation, the Commission has determined to affirm under modified reasoning the ALJ's finding with respect to the existence of a domestic industry. Here, although this investigation concerns an alleged violation of section 337(a)(1)(A)(i) based on trade dress infringement, the ALJ analyzed the existence of a domestic industry under section 337(a)(3), which applies to section 337(a)(1)(B)–(E). The Commission finds that the evidence credited by the ALJ is sufficient to satisfy the requirement of "an industry in the United States" under section 337(a)(1)(A)(i).

The Commission has determined that the appropriate form of relief in this investigation is: (a) A general exclusion order; and (b) cease and desist orders prohibiting US Air, Penson, and TC Bunny from importing, selling, offering for sale, marketing, advertising, distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors of imported hand dryers and housings for hand dryers that infringe the Excel Trade Dress. The Commission has further determined that the public interest factors enumerated in section 337(d)(2) (19 U.S.C. 1337(d)(2)) and in section 337(g)(1) (19 U.S.C. 1337(g)(1)) do not preclude the issuance of the general exclusion order and cease and desist orders, respectively. Finally, the

Commission has determined that the bond for importation during the period of Presidential review shall be in the amount of 100 percent of the entered value of the imported subject articles of the respondents. The investigation is terminated.

Chairman Schmidlein supports issuing all of the cease and desist orders requested by Excel, including against Vinovo. She has filed a dissenting opinion explaining her views.

The Commission's orders and opinion were delivered to the President and the United States Trade Representative on the day of their issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: October 30, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-23938 Filed 11-2-17; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1080]

Certain Wafer-Level Packaging Semiconductor Devices and Products Containing Same (Including Cellular Phones, Tablets, Laptops, and Notebooks) and Components Thereof; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 28, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Tessera Advanced Technologies, Inc. of San Jose, California. A supplement to the complaint was filed on October 13, 2017. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wafer-level packaging semiconductor devices and products containing same (including cellular phones, tablets, laptops, and notebooks) and components thereof by reason of infringement of one or more claims of U.S. Patent No. 6,954,001 ("the '001 patent") and U.S. Patent No. 6,784,557

(“the ‘557 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, The Office of Secretary, Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on October 30, 2017, Ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain wafer-level packaging semiconductor devices and products containing same (including cellular phones, tablets, laptops, and notebooks) and components thereof by reason of infringement of one or more of claims 1–8 of the ‘557 patent and claims 1–18 of the ‘001 patent; and whether an industry in the United States exists as

required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Tessera Advanced Technologies, Inc., 3025 Orchard Parkway, San Jose, CA 95134.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Samsung Electronics Co., Ltd., 129 Samsung-ro, Maetan-3dong, Yeongtong-gu, Suwon-si, Gyeonggi-do, Republic of Korea 443–742.

Samsung Electronics America, Inc., 85 Challenger Road, Ridgefield Park, NJ 07660.

Samsung Semiconductor, Inc., 3655 N. 1st Street, San Jose, CA 95134.

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 31, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–24004 Filed 11–2–17; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–470F]

Final Adjusted Aggregate Production Quotas for Schedule I and II Controlled Substances and Assessment of Annual Needs for the List I Chemicals Ephedrine, Pseudoephedrine, and Phenylpropanolamine for 2017

AGENCY: Drug Enforcement Administration (DEA), Department of Justice (DOJ).

ACTION: Final order.

SUMMARY: This final order establishes the final adjusted 2017 aggregate production quotas for controlled substances in schedules I and II of the Controlled Substances Act and the assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine.

DATES: This order is applicable November 3, 2017.

FOR FURTHER INFORMATION CONTACT: Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration, 8701 Morrisette Drive, Springfield, VA 22152, Telephone: (202) 598–6812.

SUPPLEMENTARY INFORMATION:

Legal Authority

Section 306 of the Controlled Substances Act (CSA) (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for each basic class of controlled substances listed in schedules I and II and for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine. The Attorney General has delegated this function to the Administrator of the Drug Enforcement Administration (DEA) pursuant to 28 CFR 0.100.

Background

The DEA published the 2017 established aggregate production quotas for controlled substances in schedules I and II and for the assessment of annual needs for the list I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine in the **Federal Register** on October 5, 2016. 81 FR 69079. This notice stated that the