

claim 18, and that all of the asserted claims (claims 13, 16, and 18) are invalid, and no domestic industry was shown. *Id.* at 263.

Tessera and the respondents each filed a petition for review of the ID. In addition, the parties and a number of non-parties submitted statements on the public interest.

On September 29, 2017, the Commission determined to review the ID in part. Notice at 3 (Sept. 29, 2017) (“Notice of Review”). For the ’007 patent, the Commission determined to review, and on review, to take no position on the economic prong of the domestic industry requirement, and infringement of claim 18. *Id.* The Commission determined not to review the remainder of the ID as to the ’007 patent, including the ID’s findings concerning anticipation by, or obviousness over, the prior art. *Id.* The investigation was, thus, terminated as to the ’007 patent. *Id.* For the ’946 patent and the ’136 patent, the Commission determined not to review the ID’s findings concerning the level of skill in the art. *Id.* The Commission determined to review all other issues for the ’946 patent and the ’136 patent. *Id.* The Commission requested further briefing from the parties on the issues under review and briefing from the parties and the public on remedy, the public interest, and bonding. *Id.* at 3, 6–8.

In response to the Commission notice, Tessera and the respondents filed opening and reply submissions on the issues under review, and remedy, the public interest, and bonding. In addition, the Commission received submissions on remedy and the public interest from several non-parties.

On December 18, 2017, Tessera and the respondents filed a joint motion to terminate the investigation on the basis of settlement.

The Commission finds that the motion is proper in form and complies with Commission Rules. *See* 19 CFR 201.6(a), 210.21(b). The Commission further finds that termination of the investigation will not adversely affect the public interest. Accordingly, the Commission has determined to grant the motion. The Commission hereby terminates the investigation.

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: December 19, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–27639 Filed 12–21–17; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–989 (Enforcement Proceeding)]

Certain Automated Teller Machines, ATM Modules, Components Thereof, and Products Containing the Same Notice of Institution of Formal Enforcement Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has instituted a formal enforcement proceeding relating to the July 14, 2017, remedial orders issued in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT:

Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–3042. Copies of non-confidential documents filed in connection with this investigation are or will be 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, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<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>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the original investigation on March 14, 2016, based on a complaint filed by Nautilus Hyosung Inc. of Seoul, Republic of Korea and Nautilus Hyosung America Inc. of Irving, Texas (collectively, “Nautilus”). 81 FR 13149 (Mar. 14, 2016). Pertinent to this action, the complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation into the United States, and the sale within the United

States after importation of certain automated teller machines, ATM modules, components thereof, and products containing the same by reason of infringement of any of claims 1–3, 6, 8, and 9 of U.S. Patent No. 8,523,235 (“the ’235 patent”). *Id.* The complaint also alleged infringement of claims 1–3 and 5 of U.S. Patent No. 7,891,551; claims 1 and 6 of U.S. Patent No. 7,950,655; and claims 1–4, 6, and 7 of U.S. Patent No. 8,152,165. Those claims were subsequently terminated from the investigation. *See* Order No. 11 (June 30, 2016), Comm’n Notice of Non-Review (July 27, 2016); Order No. 17 (July 21, 2016), Comm’n Notice of Non-Review (August 16, 2016). The notice of institution of the investigation named Diebold Nixdorf, Incorporated and Diebold Self-Service Systems both of North Canton, Ohio (collectively, “Diebold”) as respondents. The Office of Unfair Import Investigations (“OUII”) was not named as a party. *Id.*

On July 14, 2017, the Commission found a Section 337 violation as to the ’235 patent and issued a limited exclusion order (“LEO”) as well as cease and desist orders (“CDOs”). 82 FR 33513–14 (July 20, 2017). The LEO prohibits the unlicensed entry of automated teller machines, ATM modules, components thereof, and products containing the same that infringe one or more of claims 1–3, 6, 8, and 9 of the ’235 patent that are manufactured by, or on behalf of, or are imported by or on behalf of Diebold Nixdorf, Incorporated, Diebold Self-Service Systems, or any of their affiliated companies, parents, subsidiaries, agents, or other related business entities, or their successors or assigns. *Id.* The CDOs prohibit, among other things, the importation, sale, and distribution of infringing products by Diebold. *Id.*

On November 17, 2017, Nautilus filed a complaint requesting that the Commission institute a formal enforcement proceeding under Commission Rule 210.75(b) to investigate violations of the remedial orders by Diebold. Having examined the enforcement complaint and the supporting documents, the Commission has determined to institute a formal enforcement proceeding to determine whether Diebold is in violation of the July 14, 2017, remedial orders issued in the original investigation and to determine what, if any, enforcement measures are appropriate. Diebold is named as a respondent. OUII is named as a party.

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 section 210.75 of the Commission's Rules of Practice and Procedure (19 CFR 210.75).

By order of the Commission.
Issued: December 18, 2017.

Lisa R. Barton,
Secretary to the Commission.

[FR Doc. 2017-27568 Filed 12-21-17; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1005]

Certain L-Tryptophan, L-Tryptophan Products, and Their Methods of Production; Commission Final Determination Finding a Section 337 Violation; Issuance of a Limited Exclusion Order and Cease and Desist Order; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 of the Tariff Act of 1930 ("section 337"), as amended, in this investigation. The Commission has issued a limited exclusion order prohibiting the importation of certain L-tryptophan and L-tryptophan products that infringe claim 10 of U.S. Patent No. 6,180,373 ("the '373 patent") or claim 20 of U.S. Patent No. 7,666,655 ("the '655 patent"). The Commission has also issued a cease and desist order directed to the domestic respondent. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation are or will be 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, Washington, DC 20436, telephone (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>. Hearing-impaired persons are advised that information on this matter can be obtained by

contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Investigation No. 337-TA-1005 on June 14, 2016, based on a complaint filed by Complainants Ajinomoto Co., Inc. of Tokyo, Japan and Ajinomoto Heartland Inc. of Chicago, Illinois (collectively, "Ajinomoto" or "Complainants"). See 81 FR 38735-6 (June 14, 2016). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain L-tryptophan, L-tryptophan products, and their methods of production, by reason of infringement of certain claims of the '655 patent and the '373 patent (collectively, "the asserted patents"). *Id.* The notice of investigation identified CJ CheilJedang Corp. of Seoul, Republic of Korea; CJ America, Inc. ("CJ America") of Downers Grove, Illinois; and PT CheilJedang Indonesia of Jakarta, Indonesia (collectively "CJ" or "Respondents") as respondents in this investigation. See *id.* The Office of Unfair Import Investigations is not a party to the investigation.

On April 17, 2017, the ALJ issued an initial determination ("ID") granting Complainants' unopposed motion for summary determination that they satisfy the economic prong of the domestic industry requirement under 19 U.S.C. 1337(a)(3)(A) and (B) for both asserted patents. See Order No. 18, *unreviewed*, Comm'n Notice (May 17, 2017).

On August 11, 2017, the ALJ issued his final initial determination ("FID") finding no violation of section 337. Specifically, the FID finds that: (1) Respondents' accused products do not infringe the asserted claims of the '373 or the '655 patents either literally or under the doctrine of equivalents; (2) claim 10 of the '373 patent is invalid for indefiniteness and lack of written description; (3) claim 20 of the '655 patent is invalid for lack of written description; and (4) Complainants' products do not satisfy the technical prong of the domestic industry requirement with respect to the '655 or the '373 patents. In addition, the ALJ issued a Recommended Determination ("RD") recommending, should the Commission find a section 337 violation, that the Commission issue: (1) A limited exclusion order against Respondents' accused products; and (2) a cease and desist order against Respondent CJ America. The RD further

recommends no bond during the Presidential review period.

On August 14, 2017, the Commission issued a Notice requesting written submissions on the public interest. See 82 FR 39456-57 (Aug. 18, 2017). On September 20, 2017, Respondents filed a written submission in response to the Commission's August 14, 2017 Notice. No other submissions were received.

On October 12, 2017, the Commission issued a Notice determining to review the FID in its entirety. See 82 FR 48528-29 (Oct. 18, 2017). The October 12, 2017 Notice requested briefing in response to certain questions relating to the FID's finding of no section 337 violation. See *id.* In addition, the October 12, 2017 Notice solicited written submissions on issues of remedy, the public interest, and bonding. See *id.* On October 27, 2017, the parties filed written submissions in response to the October 12, 2017 Notice, and on November 3, 2017, the parties filed responses to each other's submissions.

Having examined the record of this investigation, including the FID, the RD, and the parties' submissions, the Commission has determined to:

(1) Reverse the FID's finding that the accused products do not infringe claim 10 of the '373 patent;

(2) reverse the FID's finding that the domestic industry requirement is not satisfied for the '373 patent.

(3) Reverse the FID's finding that claim 10 of the '373 patent is invalid under 35 U.S.C. 112, second paragraph, for indefiniteness;

(4) reverse the FID's finding that claim 10 of the '373 patent is invalid under 35 U.S.C. 112, first paragraph, for lack of written description;

(5) affirm the FID's finding that claim 10 of the '373 patent is not invalid under 35 U.S.C. 112, first paragraph, for lack of enablement;

(6) affirm the FID's finding that claim 10 of the '373 patent is not invalid under 35 U.S.C. 103 for obviousness;

(7) affirm in part and reverse in part the FID's finding that the accused products do not infringe claim 20 of the '655 patent;

(8) reverse the FID's finding that the domestic industry requirement is not satisfied for the '655 patent.

(9) Affirm the FID's finding that claim 20 of the '655 patent is not invalid under 35 U.S.C. 112, second paragraph, for indefiniteness.

(10) Reverse the FID's finding that claim 20 of the '655 patent is invalid under 35 U.S.C. 112, first paragraph, for lack of written description; and

(11) affirm all other findings in the FID that are not inconsistent with the Commission's determination.