INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–383]

In the Matter of: Certain Hardware Logic Emulation Systems and Components Thereof; Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337 and provisional acceptance of motion for temporary relief.

SUMMARY: Notice is hereby given that a complaint and a motion for temporary relief were filed with the U.S. International Trade Commission on January 26, 1996, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Quickturn Design Systems, Inc., 440 Clyde Avenue, Mountain View, California 94043. Supplements to the complaint and motion were filed on February 16, 1996, and February 23, 1996. The complaint as supplemented alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain hardware logic emulation systems and components thereof by reason of alleged direct, induced, and contributory infringement of claims 2–5, 15, 17–21, and 27 of U.S. Letters Patent 5,109,353, claims 1, 3–5, 7, 10–18, 22, 24, 26, and 28 of U.S. Letters Patent 5,329,470, claim 8 of U.S. Letters Patent 5,036,473, claims 1–3, 6–8, 15, 20, and 21 of U.S. Letters Patent 5,448,496, and claims 1 and 2 of U.S. Letters Patent 5,452,231. The complaint further alleges that there exists an industry in the United States as required by subsection (a)(2) of section 337. The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and permanent cease and desist orders.

The motion for temporary relief requests that the Commission issue a temporary exclusion order and temporary cease and desist orders prohibiting the importation into and the sale within the United States after importation of certain hardware logic emulation systems and components thereof that infringe claim 8 of U.S. Letters Patent 5,036,473 or claim 1, 2, 3, or 15 of U.S. Letters Patent 5,448,496 during the course of the Commission's investigation.

ADDRESSES: The complaint and motion for temporary relief, except for any confidential information contained therein, are 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, D.C. 20436, telephone 202–205–1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

FOR FURTHER INFORMATION CONTACT: Thomas L. Jarvis, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2568.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10. The authority for provisional acceptance of the motion for temporary relief is contained in section 210.58, 19 CFR 210.58.

SCOPE OF INVESTIGATION: Having considered the complaint and the motion for temporary relief, the U.S. International Trade Commission, on March 4, 1996, 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 hardware logic emulation systems or components thereof by reason of infringement of claim 2–5, 15, 17–21, or 27 of U.S. Letters Patent 5,109,353, claim 1, 3–5, 7, 10–18, 22, 24, 26, or 28 of U.S. Letters Patent 5,329,470, claim 8 of U.S. Letters Patent 5,036,473, claim 1–3, 6–8, 15, 20, or 21 of U.S. Letters Patent 5,448,496, or claims 1 or 2 of U.S. Letters Patent 5,452,231, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) Pursuant to section 210.58 of the Commission's Rules of Practice and Procedure, 19 CFR 210.58, the motion for temporary relief under subsection (e) of section 337 of the Tariff Act of 1930, which was filed with the complaint, is provisionally accepted and referred to the presiding administrative law judge for investigation.

(3) 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

Quickturn Design Systems, Inc., 440 Clyde Avenue, Mountain View, California 94043

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint and motion for temporary relief are to be served:

Mentor Graphics Corp., 8005 S.W. Boeckman Road, Wilsonville, Oregon 97070

Meta Systems, 4 Rue Rene Razel, 91400 Saclay, France

(c) Thomas L. Jarvis, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401J, Washington, D.C. 20436, shall be the Commission investigative attorney, party to this investigation; and

(4) For the investigation and temporary relief proceedings instituted, the Honorable Paul J. Luckern is designated as the presiding Administrative Law Judge.

Responses to the complaint, the motion for temporary relief, and the notice of investigation must be submitted by the named respondents in accordance with sections 210.13 and 210.59 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13 and 210.59. Pursuant to sections 201.16(d), 210.13(a), and 210.59 of the Commission's Rules, 19 CFR 201.16(d), 210.13(a), and 210.59, such responses will be considered by the Commission if received not later than 10 days after the date of service by the Commission of the complaint, the motion for temporary relief, and the notice of investigation. Extensions of time for submitting responses to the complaint 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, in the motion for temporary relief, and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint, the motion for temporary relief, 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, motion for temporary relief, and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: March 4, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–5488 Filed 3–7–96; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference Advisory Committee on Rules of Appellate Procedure

AGENCY: Judicial Conference of the United States, Advisory Committee on Rules of Appellate Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Advisory Committee on Rules of Appellate Procedure will hold a two-day meeting. The meeting will be open to public observation but not participation and will start each day at 8:30 a.m.

DATES: April 15–16, 1996.

ADDRESSES: The Fairmont Hotel, 950 Mason Street, San Francisco, California.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, D.C. 20544, telephone (202) 273–1820.

Dated: March 1, 1996.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 96–5305 Filed 3–7–96; 8:45 am]

BILLING CODE 221001–M

DEPARTMENT OF JUSTICE

Antitrust Division

[Case No. 1:94CV02693]

United States v. Vision Service Plan; Public Comments and United States' Response to Public Comments

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b)–(h), the United States publishes below the comments received on the proposed Final Judgment in *United States* v. *Vision Service Plan*, Case No. 1:94CV026923, United States District Court for the District of Columbia, together with the response of the United States to the comments.

Copies of the response and the public comments are available on request for inspection and copying in room 215 of the Antitrust Division, U.S. Department of Justice, 325 7th Street, N.W., Washington, D.C. 20004, and for inspection at the Office of the Clerk of the United States District Court for the District of Columbia; 3rd Street and Constitution Ave., NW.; room 1825; Washington, DC 20001.

Rebecca P. Dick,

Deputy Director of Operations, Antitrust Division.

United States' Response to Public Comments

I. Introduction

Pursuant to the requirements of the Antitrust Procedures and Penalties Act, (commonly referred to as the ''Tunney Act''), 15 U.S.C. 16 (b)–(h), the United States hereby responds to public comments regarding the Final Judgment initially proposed as the basis for settling this proceeding in the public interest. Since the comments regarding the first proposed Final Judgment were submitted, the parties have agreed to a superseding, proposed Revised Final Judgment, filed on November 1, 1995, which reflects changes to a few provisions. After careful consideration of the comments on the formerly proposed Final Judgment, viewed in light of the proposed Revised Final Judgment, the United States concludes that the Revised Final Judgment will provide an effective and appropriate remedy for the antitrust violation alleged in the Complaint. Once the public comments and this response have been published in the Federal Register, pursuant to 15 U.S.C. 16(d), the United States will request that the Court enter the Revised Final Judgment.

II. Procedural History

On December 15, 194, the United States filed a Complaint alleging that Vision Service Plan (''VSP''), in all or parts of the many states in which it does business as a vision-care insurer, has entered into agreements with its panel doctors that unreasonably restrain competition by discouraging the doctors from discounting their fees for vision-care services, in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. Simultaneously with the filing of the Complaint, the United States filed a proposed Final Judgment and a Stipulation signed by both it and the defendant, agreeing to the entry of the Final Judgment following compliance with the Tunney Act.

Pursuant to the Tunney Act, on December 23, 1994, VSP filed the required description of certain written and oral communications made on its behalf; the United States filed a Competitive Impact Statement (''CIS'') on January 13, 1995. A summary of the terms of the proposed Final Judgment and the CIS and directions for the submission of written comments were published in the *Washington Post* for seven consecutive days, from January 22–28, 1995. The proposed Final Judgment and the CIS were published in the Federal Register on January 26, 1995. 60 FR 5210–17 (1995). The 60-day period for public comments on the then proposed Final Judgment began on January 27, 1995, and expired on March 27, 1995. Five comments were received.

The United States filed the five comments with the Court on May 12, 1995, and was preparing to file its response to them when VSP raised issues about the application of certain provisions of the then-proposed Final Judgment to its operations. On June 23, 1995, the United States advised the Court that the parties were considering whether those issues warranted any modification to the proposed Final Judgment. Reflecting the outcome of those negotiations are the parties' Superseding Stipulation, the proposed Revised Final Judgment, and the Revised CIS, filed on November 1, 1995. The latter two documents are styled as ''Revised'' because they reflect changes made to a few of the provisions of the proposed Final Judgment and to related portions of the CIS. The Government agreed to these revisions to remedy certain problems that VSP had experienced while operating under the terms of the originally proposed Final Judgment, which, pursuant to Stipulation, it had been doing since the proposed Final Judgment was filed.

In a letter accompanying the superseding filings, the United States informed the Court of its intent to provide public notice of the proposed Revised Final Judgment and the Revised CIS in accordance with the Tunney Act. Pursuant to the Act, under cover of a letter dated November 27, 1995, the defendant filed the required description of certain written and oral communications made on its behalf. A summary of the terms of the proposed Revised Final Judgment and the Revised CIS and directions for the submission of written comments were published in the *Washington Post* for seven consecutive days, from November 12–18, 1995. The proposed Revised Final Judgment and the Revised CIS were published in the Federal Register on November 13, 1995. 60 FR 57017–21 (1995). The 60-day period for public comments started on November 14, 1995, and expired on January 13, 1995. No comments on the proposed Revised Final Judgment were received.

III. Factual Background

VSP contracts with businesses, government agencies, health-care insurers, and other organizations to provide prepaid vision-care insurance to