

U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in the Subject Countries accounted for by your firm's(s') production; and

(b) The quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from the Subject Countries accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for each Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in the Subject Countries since the Order Dates, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in the Subject Countries, and such merchandise from other countries.

(11) (OPTIONAL) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: January 27, 1999.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 99-2351 Filed 1-29-99; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-395]

In the Matter of Certain EPROM, EEPROM, Flash Memory, and Flash Microcontroller Semiconductor Devices, and Products Containing Same; Notice of Commission Decision to Reconsider Portions of Final Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to reconsider certain portions of its final determination in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: John A. Wasleff, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3094.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 18, 1997, based on a complaint filed by Atmel Corporation. 62 FR 13706. The complaint named five respondents: Sanyo Electric Co., Ltd., Winbond Electronics Corporation and Winbond Electronics North America Corporation (collectively Winbond), Macronix International Co., Ltd., and Macronix America, Inc. (collectively Macronix). Silicon Storage Technology, Inc. (SST) was permitted to intervene.

In its complaint, Atmel alleged, *inter alia*, that respondents violated section 337 of the Tariff Act of 1930 by importing into the United States, selling for importation, and/or selling in the United States after importation certain electronic products and/or components that infringe claim 1 of U.S. Letters Patent 4,451,903 (the '903 patent).

On July 2, 1998, the Commission determined that the 903 patent was unenforceable for failure to name an inventor, and hence that there was no violation of section 337 with respect to that patent. On August 11, 1998, Atmel filed a petition to correct the inventorship of the 903 patent with the U.S. Patent and Trademark Office (PTO). The PTO granted that petition on August 18, 1998, and issued a Certificate of Correction on October 6, 1998. On September 8, 1998, Atmel filed with the Commission a Petition For Relief From Final Determination Finding U.S. Patent No. 4,415,903 Unenforceable. Respondents and the Commission's Office of Unfair Import Investigations filed responses to the petition. The Commission granted

Atmel's motion to file a reply brief and respondents' motions to file surreplies.

On August 28, 1998, Atmel filed a notice of appeal of the Commission's final determination in this investigation with the United States Court of Appeals for the Federal Circuit. On October 26, 1998, Atmel identified as an appellate issue the Commission's determination that the '903 patent is unenforceable for failure to name an inventor. On November 6, 1998, respondents Sanyo and Winbond filed motions to dismiss the inventorship issue as moot. The Commission took no position on those motions in order not to prejudice its deliberations on Atmel's petition for relief. On December 8, 1998, the Federal Circuit stayed the appeal pending the Commission's disposition of Atmel's petition.

Having examined the petition, the briefs in opposition, the reply brief, and the surreplies, the Commission has determined to reconsider its determination that the '903 patent is unenforceable for failure to name an inventor, and its consequent finding of no violation of section 337 with respect to the '903 patent. On reconsideration, the record will be reopened and the investigation remanded to the presiding administrative law judge, Judge Paul J. Luckern, for the limited purpose of resolving the issues arising from the issuance of the Certificate of Correction to the '903 patent.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and section 210.47 of the Commission's Rules of Practice and Procedure (19 CFR 210.47). The Commission waived the 14-day limit under rule 210.47 pursuant to rule 210.4(b) (19 CFR 210.4(b)).

Copies of Atmel's petition and all other nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

Issued: January 25, 1999.

By order of the Commission.

Donna R. Koehnke,
Secretary.

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