

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 <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://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 this investigation on July 8, 2010, based on a complaint filed by Flashpoint Technology, Inc. ("Flashpoint") of Peterborough, New Hampshire. 75 FR 39971 (Jul. 8, 2010). The complaint 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 electronic imaging devices by reason of infringement of claims 1, 11, and 21 of U.S. Patent No. 6,134,606 ("the '606 patent"), claims 1-7, 11-13, 16-23, 26, 30-32, 40, and 41 of U.S. Patent No. 6,262,769 ("the '769 patent"), and claims 1-14 and 16 of U.S. Patent No. 6,163,816 ("the '816 patent"). On April 7, 2011, the ALJ issued Order No. 36 terminating the investigation as to all claims of the '606 patent. The proposed respondents are Nokia Corporation of Espoo, Finland and Nokia, Inc. of Irving, Texas (collectively, "Nokia"); Research In Motion of Waterloo, Ontario, Canada and Research In Motion Corp. of Irving, Texas (collectively, "RIM"); LG Electronics, Inc. of South Korea, LG Electronic U.S.A., Inc. of Englewood Cliffs, New Jersey, and LG Electronics MobileComm U.S.A. of San Diego, California (collectively, "LG"); and HTC Corporation of Taiwan and HTC America, Inc. of Bellevue, Washington (collectively, "HTC"). Nokia, RIM, and LG were terminated from the investigation on the basis of settlement agreements.

On March 8, 2011, the Commission determined not to review the ALJ's Order No. 18 granting Flashpoint's motion for summary determination that it has satisfied the economic prong of the domestic industry requirement. On July 28, 2011, the ALJ issued the subject ID finding no violation of Section 337 by HTC. Specifically, the ALJ found that the accused HTC Android smartphones and the accused HTC Windows Phone 7 ("WP7") smartphones do not infringe

the asserted claims of the '769 patent or the asserted claims of the '816 patent. The ALJ also found that HTC has not established that the asserted claims of the '769 patent are invalid for obviousness in view of the prior art and that Flashpoint has not established that the asserted claims of the '769 patent are entitled to an earlier date of invention than that of the patent's filing date. The ALJ further found that HTC has not established that the asserted claims of the '816 patent are anticipated by the prior art, but that HTC has established that the asserted claims of the '816 patent are invalid under the on-sale bar of 35 U.S.C. 102(b). On July 10, 2011, Flashpoint, HTC and the Commission investigative attorney each filed a petition for review.

On September 26, 2011, the Commission determined to review (1) Infringement of the asserted claims of the '769 patent by the accused HTC Android smartphones, (2) infringement of the asserted claims of the '769 patent by the accused HTC WP7 smartphones, (3) the technical prong of the domestic industry requirement for the '769 patent with respect to the licensed Motorola smartphones, (4) the technical prong of the domestic industry requirement for the '769 patent with respect to the licensed Apple smartphones, and (5) the enforceability of the asserted patents under the doctrines of implied license and exhaustion. The Commission also determined to review and to take no position on (a) anticipation of the asserted claims of the '816 patent under 35 U.S.C. 102 in view of the prior art references and (b) obviousness of the asserted claims of the '816 patent under 35 U.S.C. 103 in view of the prior art references. Finally, the Commission determined to deny complainant's request for oral argument. The Commission requested that the parties brief their positions on the issues on review with reference to the applicable law and the evidentiary record.

Having examined the record of this investigation, including the ALJ's final ID and the submissions of the parties, the Commission has determined to affirm the ALJ's determination of no violation of Section 337 with respect to the '769 patent on the bases that (1) the accused HTC Android smartphones and the accused HTC WP7 smartphones do not infringe the '769 patent, and (2) respondent has established that it has an implied license to practice the '769 patent with respect to the accused WP7 smartphones. The Commission has determined to take no position on the ALJ's finding that respondent has not established the right to practice the '769 patent with respect to the accused WP7

smartphones under the defense of patent exhaustion. The Commission has also determined to take no position on the ALJ's finding that complainant has not met the technical prong of the domestic industry requirement for the '769 patent.

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 sections 210.42-46 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42-46 and 210.50).

By order of the Commission.

Issued: November 29, 2011.

**James R. Holbein,**

*Secretary to the Commission.*

[FR Doc. 2011-31134 Filed 12-2-11; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-743]

### Certain Video Game Systems and Controllers; Investigations: Terminations, Modifications and Rulings

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in its investigations. Accordingly, the parties are invited to file submissions of no more than five (5) pages concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on November 2, 2011. Comments should address whether issuance of a limited exclusion order and/or a cease and desist order in this investigation could affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like

or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) Identify any public health, safety, or welfare concerns in the United States relating to the requested orders;

(iii) Identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States or are otherwise available in the United States, which could replace the subject articles if they were to be excluded;

(iv) Indicate whether the complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested remedial orders within a commercially reasonable time; and

(v) State how the requested remedial orders would impact United States consumers.

Any submissions are due on December 7, 2011.

By order of the Commission.

Issued: November 30, 2011.

**James R. Holbein,**

*Secretary to the Commission.*

[FR Doc. 2011-31135 Filed 12-2-11; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[USITC SE-11-035]

### Sunshine Act Meeting Notice

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**TIME AND DATE:** December 9, 2011 at 11 a.m.

**PLACE:** Room 111, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205-2000.

**STATUS:** Open to the public.

### Matters To Be Considered

1. *Agendas for future meetings:* None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 701-TA-482-485 and 731-TA-1191-1194 (Preliminary)(Circular Welded Carbon-Quality Steel Pipe from India, Oman, United Arab Emirates, and Vietnam). The Commission is currently scheduled to transmit its determinations to the Secretary of Commerce on or before December 12, 2011; Commissioners'

opinions are currently schedule to be transmitted to the Secretary of Commerce on or before December 19, 2011.

5. *Outstanding action jackets:* None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: November 29, 2011.

**William R. Bishop,**

*Hearings and Meetings Coordinator.*

[FR Doc. 2011-31320 Filed 12-1-11; 4:15 pm]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[USITC SE-11-036]

### Sunshine Act Meeting Notice

**ACTION:** Change of time of Government in the Sunshine Meeting.

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**ORIGINAL DATE AND TIME:** December 5, 2011 at 2 p.m.

**NEW DATE AND TIME:** December 5, 2011 at 11 a.m.

**PLACE:** Room 100, 500 E Street SW., Washington, DC 20436. Telephone: (202) 205-2000.

In accordance with 19 CFR 201.35(d)(1), the Commission has determined to change the time for the meeting which was scheduled for December 5, 2011 at 2 p.m. to December 5, 2011 at 11 a.m. to vote on Inv. Nos. 701-TA-388-391 and 731-TA-817-821 (Third Review)(Cut-to-Length Carbon-Quality Steel Plate from India, Indonesia, Italy, Japan, and Korea). Earlier announcement of this change was not possible.

By order of the Commission.

Issued: December 1, 2011.

**William R. Bishop,**

*Hearings and Meeting Coordinator.*

[FR Doc. 2011-31321 Filed 12-1-11; 4:15 pm]

**BILLING CODE 7020-02-P**

## JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

### Meeting of the Advisory Committee

**AGENCY:** Joint Board for the Enrollment of Actuaries.

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** The Executive Director of the Joint Board for the Enrollment of

Actuaries gives notice of a meeting of the Advisory Committee on Actuarial Examinations (portions of which will be open to the public) in Washington, DC, on January 9-10, 2012.

**DATES:** Monday, January 9, 2012, from 9 a.m. to 5 p.m., and Tuesday, January 10, 2012, from 8:30 a.m. to 5 p.m.

**ADDRESS:** The meeting will be held at the Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC.

### FOR FURTHER INFORMATION CONTACT:

Patrick W. McDonough, Executive Director of the Joint Board for the Enrollment of Actuaries, (202) 622-8225.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at the Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, on Monday, January 9, 2012, from 9 a.m. to 5 p.m., and Tuesday, January 10, 2012, from 8:30 a.m. to 5 p.m.

The purpose of the meeting is to discuss topics and questions that may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in 29 U.S.C. 1242(a)(1)(B) and to review the November 2011 Pension (EA-2A) Examination in order to make recommendations relative thereto, including the minimum acceptable pass score. Topics for inclusion on the syllabus for the Joint Board's examination program for the May 2012 Basic (EA-1) Examination and the May 2012 Pension (EA-2B) Examination will be discussed.

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that the portions of the meeting dealing with the discussion of questions that may appear on the Joint Board's examinations and the review of the November 2011 Pension (EA-2A) Examination fall within the exceptions to the open meeting requirement set forth in 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such portions be closed to public participation.

The portion of the meeting dealing with the discussion of the other topics will commence at 1 p.m. on January 10, 2012, and will continue for as long as necessary to complete the discussion, but not beyond 3 p.m. Time permitting, after the close of this discussion by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements should notify the Executive