Comm’n Op., at 55–56 (Oct. 15, 1985) (“The patented article in this investigation may be in and of itself an article of commerce, but . . . [the patented] head assemblies are not the actual articles of commerce at issue when viewed according to the competitive realities of the marketplace.”). Are CK’s operational activities with respect to the entire attraction facility essential to practicing the claimed wand?

Question 9: Please cite to and discuss evidence pertaining to whether the economic prob of the domestic industry requirement is shown with respect to the electronics and software used in the MagiQuest attraction that interacts with the MagiQuest wand, and discuss whether the electronics and software are designed, developed, and/or manufactured in the United States?

Question 10: Please cite to and discuss evidence relating to the strength of the nexus between the asserted patents and CK’s alleged licensing activities, including evidence showing that the activities are particularly focused on the asserted patents. What are the relative importance or value of the asserted patents within the overall intellectual property portfolio in CK’s agreements with its customers to operate the MagiQuest attraction?

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in a respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see Certain Devices for Connecting Computers via Telephone Lines, Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm’n Op. at 9 (December 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to the Commission’s actions, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforesaid public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the United States Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission’s action. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

**Written Submissions:** The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission’s consideration. Complainant is also requested to state the date that the patent expires and the HTSUS subheadings under which the accused products are imported. The written submissions and proposed remedial orders must be filed no later than close of business on Thursday, July 18, 2013. Reply submissions must be filed no later than the close of business on Thursday, July 25, 2013. The written submissions must be no longer than 50 pages and the reply submissions must be no longer than 25 pages. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must do so in accordance with Commission rule 210.4(f), 19 CFR 210.4(f), which requires electronic filing. The original document and 8 true copies thereof must also be filed on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.


By order of the Commission.

Issued: July 8, 2013.

Lisa R. Barton,
Acting Secretary to the Commission.

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Internet server (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.


On December 13, 2012, the Commission issued notice of its determination not to review an ID adding Viva Pharmaceuticals LLC as a new respondent. On February 4, 2013, the Commission issued notice of its determination not to review an ID to add Nestle Health Science-Pamlab Inc. (“NHS-Pamlab”) as a complainant and change Pamlab’s name to Camline LLC. This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of section 210.42(h) of the Commission’s Rules of Practice and Procedure (19 CFR 210.42(h)). By order of the Commission.

Issued: July 8, 2013.

Lisa R. Barton.
Acting Secretary to the Commission.
[FR Doc. 2013–16707 Filed 7–11–13; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree under the Clean Air Act

On June 28, 2013, the Department of Justice lodged a proposed consent decree with the United States District Court for the Eastern District of Tennessee in the lawsuit entitled United States and State of Tennessee v. King Pharmaceuticals LLC, Civil Action No. 2:13-cv-00178.

The United States filed this lawsuit under the Clean Air Act. The complaint seeks injunctive relief and civil penalties for alleged violations of the defendant’s pharmaceutical production facility in Bristol, Tennessee, of (1) Permits issued under the Tennessee State Implementation Plan, (2) federal emission standards for hazardous air pollutants for pharmaceutical production, and (3) Title V of the Clean Air Act. The consent decree requires the defendant to perform injunctive relief to correct the violations at the facility and to pay $2.2 million in civil penalties, of which half will go to the United States and the other half to the State of Tennessee.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to United States et al. v. King Pharmaceuticals LLC, D.J. Ref. No. 90–5–2–1–10132. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments: Send them to:
By e-mail ...... Assistant Attorney General

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Labor Organization and Auxiliary Reports

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Labor Management Standards (OLMS) sponsored information collection request (ICR) revision titled, “Labor Organization and Auxiliary Reports,” to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.).

DATES: Submit comments on or before August 12, 2013.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201306-1245-001 (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone.