

c. Reveal the identity of an informant or witness that has received an explicit assurance of confidentiality.

Social security numbers should not be released under these circumstances unless the social security number belongs to the individual requester.

(2) Disclosures outside the DOI may also be made:

a. To the Department of Justice, or to a court, adjudicative or other administrative body, or to a party in litigation before a court or adjudicative or administrative body, when:

i. One of the following is a party to the proceeding or has an interest in the proceeding:

1. The Department or any component of the Department;

2. Any Departmental employee acting in his or her official capacity;

3. Any Departmental employee acting in his or her individual capacity where the Department or the Department of Justice has agreed to represent the employee; and

ii. We deem the disclosure to be:

1. Relevant and necessary to the proceeding; and

2. Compatible with the purpose for which we compiled the information.

b. To the appropriate Federal agency that is responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation or order, when we become aware of an indication of a violation or potential violation of the statute, rule, regulation, or order.

c. To a congressional office in response to a written inquiry to that office by the individual to whom the record pertains.

#### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Manual records, magnetic disk, diskette, personal computers, and computer tapes.

##### **RETRIEVABILITY:**

Incident reports are retrievable from individual park or U.S. Park Police Field Offices only. No national repository exists. Manual reports are generally tracked by case number, date, location, type of offense or incident, ranger/officer name. Automated reports

are retrievable by case number, date, time, location, types of offense or incident, ranger name, involved persons name(s), and vehicle data.

#### **SAFEGUARDS:**

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual and automated records. Access to records in the system is limited to authorized personnel whose official duties require such access. Paper records are maintained in locked file cabinets and/or in secured rooms. Electronic records conform to Office of Management and Budget and Departmental guidelines reflecting the implementation of the Federal Information Security Management Act. The electronic data will be protected through user identification, passwords, database permissions and software controls. Such security measures will establish access levels for different types of users.

#### **RETENTION AND DISPOSAL:**

Records are maintained for various lengths of time, depending of the seriousness of the incident. Records are retired to the Federal Records Center or purged, depending on the nature of the document.

#### **SYSTEM MANAGER(S) AND ADDRESS:**

(1) Commander, Information Management Section, U.S. Park Police, National Park Service, United States Department of the Interior, Washington, DC 20242; (2) Chief, Division of Law Enforcement & Emergency Services, National Park Service, United States Department of the Interior, Washington, DC 20005.

#### **RECORD SOURCE CATEGORIES:**

Incident information obtained from individual(s) on whom information is maintained, to include victims, complainants, witnesses, suspects, suspicious persons, or otherwise involved, as well as investigating officials.

#### **SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Under the general exemption authority provided by 5 U.S.C. 552a(j)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(a), which exempts this system from all of the provisions of 5 U.S.C. 552a, and the regulations in 43 CFR, part 2, subpart D, except subsections (b), (c), and (1), and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) of 5 U.S.C. 552a and the portions of the regulations in 43 CFR part 2, subpart D implementing these subsections. The reasons for adoption of this regulation

are set out at 40 FR 37217 (August 26, 1975).

[FR Doc. 05-290 Filed 1-5-05; 8:45 am]

BILLING CODE 4312-52-P

## **INTERNATIONAL TRADE COMMISSION**

[Inv. No. 337-TA-499]

### **In the Matter of Certain Audio Digital-to-Analog Converters and Products Containing Same; Notice of a Commission Decision To Review and Reverse One Finding of the Administrative Law Judge in a Final Initial Determination; Commission Determination Not To Review the Remainder of the Initial Determination Finding a Violation of Section 337: Schedule for the Filing of Written Submissions on the Issues of Remedy, the Public Interest, and Bonding**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review and reverse a finding contained in the final initial determination ("ID") issued by the presiding administrative law judge ("ALJ") in the above-captioned investigation on November 15, 2004. Specifically, the Commission has determined to review and reverse the ID's finding that the '928 patent is unenforceable due to incorrect inventorship in view of a recently issued Certificate of Correction by the U.S. Patent and Trademark Office (USPTO). The Commission has determined not to review the remainder of the ID, thereby finding a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the above-captioned investigation.

#### **FOR FURTHER INFORMATION CONTACT:**

Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3152. Copies of the public version of the ID and all 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>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on November 14, 2003, based on a complaint filed on behalf of Cirrus Logic, Inc. of Austin, TX ("Cirrus"). 68 FR 64641 (Nov. 14, 2003). The complaint, as supplemented, alleged violations of section 337 in the importation into the United States, sale for importation, and sale within the United States after importation of certain audio digital-to-analog converters and products containing same by reason of infringement of claims 1 and 11 of U.S. Patent No. 6,492,928 ("the '928 patent"). The notice of investigation named Wolfson Microelectronics, PLC of Edinburgh, United Kingdom; and Wolfson Microelectronics, Inc. of San Diego, CA (collectively "Wolfson") as respondents.

On December 29, 2003, the ALJ issued an ID (Order No. 5) granting complainant's motion to amend the complaint and notice of investigation to add allegations of infringement of claims 2, 3, 5, 6, and 15 of the '928 patent, and of claims 9, 12, and 19 of U.S. Patent No. 6,011,501 ("the '501 patent"). 69 FR 4177 (Jan. 28, 2004). On July 1, 2004, the ALJ issued an ID (Order No. 16) granting complainant's motion to terminate the investigation as to claims 1 and 2 of the '928 patent. On July 27, 2004, the ALJ issued an ID (Order No. 24) granting complainant's motion to terminate the investigation in part as to claim 11 of the '928 patent. Orders Nos. 5, 16, and 24 were not reviewed by the Commission; consequently, claims 3, 5, 6 and 15 of the '928 patent and claims 9, 12, and 19 of the '501 patent remain in the investigation. An evidentiary hearing was held from August 3–August 11, 2004.

On November 15, 2004, the ALJ issued his final ID finding a violation of section 337 based on his findings that the asserted claims of the '501 patent are infringed, that they are not invalid in view of any prior art, and that claims 9 and 12 of the '501 patent are not invalid because of failure to provide an enabling written description of the claimed invention. The ALJ found that the '928 patent is unenforceable because the inventors intentionally withheld highly material prior art from the examiner during the prosecution of the '928 patent application at the USPTO.

Independently, the ALJ found that the '928 patent is unenforceable because one person was mistakenly listed as an inventor on the patent. On November 23, 2004, a certificate correcting inventorship was issued by the USPTO. Accordingly, unenforceability on this ground has been cured. *Viskase Corp. v. American National Can Co.*, 261 F.3d 1316, 1329 (Fed. Cir. 2001) ("Absent fraud or deceptive intent, the correction of inventorship does not affect the validity or enforceability of the patent for the period before the correction."). The ALJ found that the accused devices infringe the asserted claims of the '928 patent, if enforceable, and that the asserted claims of the '928 patent are not invalid in view of any prior art, or for failure to provide an enabling written description of the claimed invention or for failure to disclose the best mode. The ALJ also issued his recommendations on remedy and bonding during the period of Presidential review on November 15, 2004.

On November 30, 2004, Cirrus, Wolfson, and the Commission's investigative attorney filed petitions for review of the final ID. On December 7, 2004, all parties filed responses.

Having examined the record in this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, the Commission has determined to review and reverse the ID's finding that the '928 patent is unenforceable due to incorrect inventorship in view of the recently issued certificate of correction by the USPTO. The Commission has determined not to review the remainder of the ID, thereby finding a violation of section 337.

In connection with the final disposition of this investigation, the Commission may issue (1) an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) cease and desist orders that could result in respondents being required to cease and desist from engaging in unfair action 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 are either adversely affecting it or likely to do so. For background, see *In the Matter of Certain Devices for Connecting Computers via*

Telephone Lines, Inv. No. 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

When 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 investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a 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.

**Written Submissions:** The parties to the investigation, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the ALJ's recommended determination on remedy and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. The written submissions and proposed remedial orders must be filed no later than the close of business on Monday, January 10, 2005, and reply submissions must be filed no later than close of business on Monday, January 17, 2005. No further submissions will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadlines stated above. Any person desiring to submit a document (or portions thereof) 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 210.5. Documents for which confidential treatment is granted by the Commission will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and sections 210.42, 210.46, and 210.50 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.42, 210.46, and 210.50).

By order of the Commission.

Issued: December 30, 2004.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 05-251 Filed 1-5-05; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-520]

### In the Matter of Certain Digital Image Storage and Retrieval Devices; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation on the Basis of a Settlement Agreement

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") granting a joint motion to terminate the above-captioned investigation on the basis of a settlement agreement.

#### FOR FURTHER INFORMATION CONTACT:

Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3152. Copies of the public version of the ID and all 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>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on August 16, 2004, based on a complaint filed on behalf of Ampex Corporation, of Redwood City, California ("Ampex"). 69 FR 50400 (Aug 16, 2004). The complaint alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, sale for importation, and sale within the United States after importation of certain digital image storage and retrieval devices by reason of infringement of certain claims of U.S. Patent No. 4,821,121. The respondent named in the notice of investigation is the Sony Corporation of Tokyo, Japan ("Sony").

On October 1, 2004, Ampex and Sony entered into a settlement agreement, and on November 24, 2004, Ampex and Sony filed a joint motion to terminate the investigation pursuant to 19 CFR 210.21 based on the settlement agreement. The Commission investigative attorney filed a response in support of the joint motion.

On December 9, 2004, the ALJ issued the subject ID (Order No. 6) granting the joint motion of complainant Ampex and respondent Sony to terminate the investigation on the basis of a settlement agreement.

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 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

Issued: December 30, 2004.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary.*

[FR Doc. 05-252 Filed 1-5-05; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-529]

### In the Matter of Digital Processors, Digital Processing Systems, Components Thereof, and Products Containing Same; Notice of Investigation

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

**ACTION:** Institution of investigation pursuant to 19 U.S.C. 1337.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 7, 2004, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of BIAAX Corporation of Boulder, Colorado. 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 digital processors and digital processing systems, components thereof, and products containing same by reason of infringement of claims 11-13, 26, and 32-33 of U.S. Patent No. 4,487,755, claims 6, 8, 13-14, 28, 33-34, and 36 of U.S. Patent No. 5,021,954, claims 1-3, 9-21, 23, and 25-30 of U.S. Patent No. 5,517,628, claims 3-9, 11-12, and 16-24 of U.S. Patent No. 6,253,313, and claims 1, 3, 5, 7-8, 10, 13-16, 18, 20-22, and 24-28 of U.S. Patent No. 5,765,037. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

Complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and permanent cease and desist orders.

**ADDRESSES:** The complaint and its exhibits, 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, DC 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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>.

#### FOR FURTHER INFORMATION CONTACT:

Benjamin D.M. Wood, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2582.

**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