

No. 5,034,404. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is 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:** Vu Q. Bui, 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 of Practice and Procedure, 19 CFR 210.10 (2007).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on February 27, 2008, *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 pesticides or products containing clothianidin that infringe one or more of claims 1 and 9 of U.S. Patent No. 5,034,404, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) 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 complainants are—  
Sumitomo Chemical Co. Ltd., Tokyo Sumitomo Twin Building (East), 27-1, Shinkawa 2-chome, Chuo-ku, Tokyo 104-8260, Japan.

Valent U.S.A. Corporation, 1600 Riviera Ave., Suite 200, Walnut Creek, California 94596.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:  
Syngenta AG, Schwarzwaldallee 215, 4058 Basel, Switzerland.

Syngenta India Ltd., Crop Protection Sector, Royal Insurance Building, 14, J. Tata Road, Mumbai 400 020, India.  
Syngenta Corp., 2200 Concord Pike, Wilmington, Delaware 19803.  
Syngenta Seeds Inc., 7500 Olson Memorial Highway, Golden Valley, Minnesota 55427.

Syngenta Crop Protection Inc., 410 S. Swing Rd., Greensboro, North Carolina 27409.

Garst Seed Co., 2369 330th Street, Slater, Iowa 50244.

Golden Harvest Seeds, Inc., 100JC Robinson Blvd., Waterloo, Nebraska 68130.

(c) The Commission investigative attorney, party to this investigation, is Vu Q. Bui, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401, Washington, DC 20436; and  
(3) For the investigation so instituted, the Honorable Charles E. Bullock is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation 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 and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint 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 and this notice and to enter an initial determination

and a final determination containing such findings, and may result in the issuance of an exclusion order or cease and desist order or both directed against the respondent.

Issued: February 27, 2008.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary for the Commission.*

[FR Doc. E8-4074 Filed 3-3-08; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-578]

### In the Matter of Certain Mobile Telephone Handsets, Wireless Communication Devices, and Components Thereof; Notice of Commission Decision Not To Review an Initial Determination of the Administrative Law Judge Finding No Violation of Section \*337; Termination of Investigation

**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 an initial determination ("ID") issued by the presiding administrative law judge ("ALJ") determining that there is no violation of section 337 of the Tariff Act of 1930.

**FOR FURTHER INFORMATION CONTACT:** Eric Frahm, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3107. Copies of non-confidential 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. 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 section 337 investigation on July 12, 2006, based on a complaint filed by QUALCOMM

Incorporated of San Diego, California ("Qualcomm"). 71 FR 39362 (July 12, 2006). The complaint, as amended, alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. \*1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile telephone handsets, wireless communications devices, and components thereof by reason of infringement of certain claims of six U.S. patents. The complaint and notice of investigation named Nokia Corporation of Finland and Nokia Inc. of Irving, Texas (collectively, "Nokia"), as respondents. The complaint, as amended, further alleged that an industry in the United States exists as required by subsection 337(a)(2). Only claims 1 and 3 of U.S. Patent No. 5,452,473 ("the '473 patent"), claim 1 of U.S. Patent No. 5,590,408 ("the '408 patent"), and claim 2 of U.S. Patent No. 5,655,220 ("the '220 patent") remain in the investigation.

On December 12, 2007, the ALJ issued his final ID finding no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. \*1337). Specifically, the ALJ determined that there had been an importation of Nokia's accused products, and that none of Nokia's accused products infringe the asserted claims of the '473, '408, or '220 patents. With regard to claims 1 and 3 of the '473 patent, the ALJ determined these asserted claims were not proven to be invalid under the best mode requirement of 35 U.S.C. \*112 or anticipated under 35 U.S.C. \*102. The ALJ also determined that claims 1 and 3 of the '473 patent were proven to be invalid as obvious under 35 U.S.C. \*103. With regard to claim 1 of the '408 patent and claim 2 of the '220 patent, the ALJ determined that these asserted claims were not proven to be invalid. The ALJ determined that a domestic industry exists that practices the '473, '408, and '220 patents. Finally, the ALJ made a recommendation that if the Commission finds a violation under section 337, a limited exclusion and cease and desist orders should issue with a bond set in the amount of 100 percent of entered value during the 60 day period of Presidential review.

On January 9, 2008, Qualcomm and Nokia each filed petitions for review. The Commission Investigative Attorney ("IA") did not file a petition for review.

On January 23, 2008, Qualcomm and Nokia filed responses to each other's petitions for review. The IA filed his response to both petitions on January 24, 2008.

On February 5, 2008, Qualcomm filed a letter requesting that the Commission consider the recent Federal Circuit decision in *Oatey Co. v. IPS, Corp.*, Case No. 07-1214, slip op. (Fed. Cir. Jan. 30, 2008). Nokia filed a responsive letter on February 6, 2008.

Having examined the record of this investigation, including the ALJ's final ID and the submissions of the parties, the Commission has determined not to review the ALJ's determination.

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 210.42-45 of the Commission's Rules of Practice and Procedure (19 CFR 210.42-45).

Issued: February 27, 2008.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-4073 Filed 3-3-08; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on February 27, 2008, a proposed Consent Decree was lodged with the United States District Court for the District of Massachusetts in *United States v. Bayer CropScience Inc. et al.*, Civil Action No. 1:08-cv-10325-MLW.

In this action, the United States filed a complaint, under Sections 106, 107(a) and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9606, 9607(a), and 9613, alleging that Bayer CropScience Inc. and Pharmacia Corporation ("Settling Defendants") are liable parties in connection with the Second Operable Unit at the Industri-plex Superfund Site ("Industri-plex OU2"), located in Woburn Massachusetts. At the same time as it filed its complaint, the United States lodged a proposed Consent Decree that resolves those claims and requires the Settling Defendants to (a) implement the remedy selected by EPA for Industri-Plex OU2 in a Record of Decision dated January 31, 2006, (b) pay EPA's future response costs in connection with the Consent Decree, and (c) make a payment to the United States in the amount of \$6 million in reimbursement of past costs incurred in connection with Industri-plex OU2.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Bayer CropScience Inc.*, D.J. Ref. 90-11-2-228/6. Comments may also be submitted by e-mail to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov). A copy of the comments should also be sent to Donald Frankel, Trial Attorney, Environmental Enforcement Section, Department of Justice, Suite 616, One Gateway Center, Newton, MA 02458.

The Consent Decree may be examined at the Office of the United States Attorney, District of Massachusetts, U.S. Courthouse, Suite 9200, One Courthouse Way, Boston, MA 02210 (contact Bunker Henderson). During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the Consent Decree from the Consent Decree Library, please enclose a check in the amount of \$14.50 (25 cents per page reproduction cost, not including appendices) or \$136.25 (25 cents per page reproduction costs, including appendices) payable to the U.S. Treasury (if the request is by fax or e-mail, forward a check to the Consent Decree library at the address stated above).

**Ronald G. Gluck,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. E8-4112 Filed 3-3-08; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

### Notice Pursuant to the National Cooperative Research and Production Act of 1993—SAE Consortium Ltd.

Notice is hereby given that, on January 25, 2008, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993,