

by Lilly ICOS LLC ("Lilly") of Wilmington, DE under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337. 70 FR 25601 (May 13, 2005). The complainant alleged 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 tadalafil or any salt or solvate thereof, and products containing same by reason of infringement of claims 1–4, 6–8, 12, and 13 of U.S. Patent No. 5,859,006. The complaint and notice of investigation named ten respondents.

On September 12, 2005, the Commission issued a notice indicating that it had determined not to review an ID (Order No. 5) finding respondents Santovittorio Holdings Ltd. d/b/a Inhousepharmacy.co.uk of El Dorado, Panama, Stop4Rx of Port-au-Prince, Haiti, Rx Mex-Com, S.A. de C.V. of Colonia Las Brisas, Mexico, and <http://www.Nudewfds.info> of New Orleans, LA, in default. The ALJ also found that respondent Express Generic had not been properly served with the complaint.

On November 17, 2005, the Commission issued a notice that it had determined not to review an ID (Order No. 9) finding an additional five of the originally named respondents in default. The additional five respondents were Budget Medicines Pty Ltd., of Sydney, Australia, Generic Cialis Pharmacy of Managua, Nicaragua, Cutprice Pills of Scottsdale, AZ, Allpills.us of Beverly Hills, CA, and Pharmacy4u.us of New York, NY.

On October 28, 2005, Lilly filed a motion for summary determination on the issues of the existence of a domestic industry and violation of section 337 with respect to the nine respondents that were found in default. On November 14, 2005, the Commission Investigative Attorney ("IA") filed a response to Lilly's motion.

On December 6, 2005, the ALJ issued the subject ID (Order No. 10) granting Lilly's motion for a summary determination of a violation of section 337. With respect to the remedy, the ALJ recommended the issuance of a general exclusion order under section 337(g)(2), 19 U.S.C. 1337(g)(2). The ALJ also recommended that the bond permitting importation during the Presidential review period be set at 100 percent of the value of the infringing imported products. No party petitioned for review of the subject ID. The Commission has determined not to review this ID with respect to the finding of a violation of section 337, and to request written submissions with respect to remedy, bonding, and the public interest.

In connection with the final disposition of this investigation, the Commission may issue an order that could result in the exclusion of the subject articles from entry into the United States. 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, it 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 *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 in this investigation include the effect that an exclusion order 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 parties are encouraged to file written submissions on remedy, bonding, and the public interest. Such submissions should address the December 6, 2005, recommended determination (Order No. 10) by the ALJ on remedy and bonding. Complainants and the Commission's investigative attorney are also requested to submit proposed orders for the Commission's consideration. Complainants are further requested to state the expiration date of the patent at issue and the HTSUS numbers under

which the infringing goods are imported. Main written submissions and proposed orders must be filed no later than close of business on January 17, 2006. Reply submissions, if any, must be filed no later than the close of business on January 24, 2006. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file with the Office of the Secretary the original document and 14 true copies thereof on or before the deadlines stated above. Any person desiring to submit a document (or portion 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 that the Commission should grant such treatment. See section 201.6 of the Commission's Rules of Practice and Procedure, 19 CFR 201.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

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

By order of the Commission.

Issued: January 4, 2006.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E6–63 Filed 1–6–06; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Royalty Board

[Docket No. 2006–2 CRB NCBRA]

#### Determination of Reasonable Rates and Terms for Noncommercial Broadcasting

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Notice announcing commencement of proceeding with request for Petitions to Participate.

**SUMMARY:** The Copyright Royalty Board of the Library of Congress is announcing the commencement of the proceeding to determine the reasonable rates and terms for use of certain works in

connection with noncommercial broadcasting. The Board is also announcing the date by which a party who wishes to participate in the new rate proceeding must file its Petition to Participate and the accompanying \$150 filing fee.

**DATES:** Petitions to Participate and the filing fee are due no later than February 8, 2006.

**ADDRESSES:** If hand delivered by a private party, an original and five copies of a Petition to Participate along with the \$150 filing fee should be brought to Room LM-401 of the James Madison Memorial Building between 8:30 a.m. and 5 p.m. and the envelope should be addressed as follows: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, Room LM-401, 101 Independence Avenue, SE., Washington, DC 20559-6000. If delivered by a commercial carrier, an original and five copies of a Petition to Participate along with the \$150 filing fee must be delivered to the Congressional Courier Acceptance Site located at 2nd and D Street, NE., between 8:30 a.m. and 4 p.m. The envelope should be addressed as follows: Copyright Royalty Board, Library of Congress, Room 403, James Madison Memorial Building, 101 Independence Avenue, SE., Washington, DC. If sent by mail (including overnight delivery using U.S. Postal Service Express Mail), an original and five copies of a Petition to Participate along with the \$150 filing fee should be addressed to: Copyright Royalty Board, P.O. Box 70977, Southwest Station, Washington, DC 20024-0977. Petitions to Participate and the \$150 filing fee may not be delivered by means of overnight delivery services such as Federal Express, United Parcel Service, etc., due to delays in processing receipt of such deliveries.

**FOR FURTHER INFORMATION CONTACT:** Abioye E. Oyewole, CRB Program Specialist. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:**

**Background**

This Notice is issued pursuant to section 804(b)(6) of the Copyright Act, 17 U.S.C. 804(b)(6), which states: "A petition \* \* \* to initiate proceedings under section 801(b)(1) concerning the determination of reasonable terms and rates of royalty payments as provided in section 118 may be filed in the year 2006 \* \* \*." However, since no petition has been filed pursuant to section 804(b)(6), 17 U.S.C. 803(b)(1)(A)(i)(V) requires Copyright Royalty Judges publish a **Federal**

**Register** notice no later than January 5, 2006, commencing this proceeding.

**Petitions To Participate**

Any party who wishes to participate in this proceeding must submit to the Board a Petition to Participate by no later than February 8, 2006. 17 U.S.C. 803(b)(1)(A)(ii). The single or joint Petition to Participate must provide all of the information required by 37 CFR 351.1(b). See 70 FR 30906-07 (May 31, 2005). The Petition to Participate must be accompanied by a \$150 filing fee. Cash will not be accepted; therefore, parties must pay the filing fee with a check or money order made payable to "Copyright Royalty Board." If a check received in payment of the filing fee is returned for lack of sufficient funds, the corresponding Petition to Participate will be dismissed. Note that in any Copyright Royalty Board proceeding, unlike in Copyright Arbitration Royalty Panel proceedings, according to 37 CFR 350.2 (Representation), only attorneys who are members of the bar in one or more states and in good standing will be allowed to represent parties before the Copyright Royalty Board if a party does not solely represent him or herself.

Dated: January 4, 2006.

**Bruce G. Forrest,**

*Interim Chief Copyright Royalty Judge.*

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**BILLING CODE 1410-72-P**

**LIBRARY OF CONGRESS**

**Copyright Royalty Board**

[Docket No. 2006-3 CRB DPRA]

**Adjustment or Determination of Compulsory License Rates for Making and Distributing Phonorecords**

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Notice announcing commencement of proceeding with request for Petitions to Participate.

**SUMMARY:** The Copyright Royalty Board of the Library of Congress is announcing the commencement of the proceeding to determine the reasonable rates and terms for making and distributing phonorecords. The Board is also announcing the date by which a party who wishes to participate in the new rate proceeding must file its Petition to Participate and the accompanying \$150 filing fee.

**DATES:** Petitions to Participate and the filing fee are due no later than February 8, 2006.

**ADDRESSES:** If hand delivered by a private party, an original and five copies of a Petition to Participate along with the \$150 filing fee should be brought to Room LM-401 of the James Madison Memorial Building between 8:30 a.m. and 5 p.m. and the envelope should be addressed as follows: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, Room LM-401, 101 Independence Avenue, SE., Washington, DC 20559-6000. If delivered by a commercial carrier, an original and five copies of a Petition to Participate along with the \$150 filing fee must be delivered to the Congressional Courier Acceptance Site located at 2nd and D Street, NE., between 8:30 a.m. and 4 p.m. The envelope should be addressed as follows: Copyright Royalty Board, Library of Congress, Room 403, James Madison Memorial Building, 101 Independence Avenue, SE., Washington, DC. If sent by mail (including overnight delivery using U.S. Postal Service Express Mail), an original and five copies of a Petition to Participate along with the \$150 filing fee should be addressed to: Copyright Royalty Board, P.O. Box 70977, Southwest Station, Washington, DC 20024-0977. Petitions to Participate and the \$150 filing fee may not be delivered by means of overnight delivery services such as Federal Express, United Parcel Service, etc., due to delays in processing receipt of such deliveries.

**FOR FURTHER INFORMATION CONTACT:**

Abioye E. Oyewole, CRB Program Specialist. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:**

**Background**

This Notice is issued pursuant to section 804(b)(4) of the Copyright Act, 17 U.S.C. 804(b)(4), which states: "A petition \* \* \* to initiate proceedings under section 801(b)(1) concerning the adjustment or determination of royalty rates as provided in section 115 may be filed in the year 2006 \* \* \*." However, since no petition has been filed pursuant to section 804(b)(4), 17 U.S.C. 803(b)(1)(A)(i)(V) requires Copyright Royalty Judges publish a Federal Register notice no later than January 5, 2006, commencing this proceeding.

**Petitions To Participate**

Any party who wishes to participate in this proceeding must submit to the Board a Petition to Participate by no later than February 8, 2006. 17 U.S.C. 803(b)(1)(A)(ii). The single or joint Petition to Participate must provide all of the information required by 37 CFR 351.1(b). See 70 FR 30906-07 (May 31,