

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 nonconfidential 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:

On February 13, 2006, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, based on a complaint filed by Solomon Technologies, Inc., of Tarpon Springs, Florida ("Solomon"), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain combination motor and transmission systems and devices used therein, and products containing same by reason of infringement of claims 1-5, 7, 8, 10, and 12 of U.S. Patent No. 5,067,932. 71 FR 7574. The notice of investigation named Toyota Motor Corporation, of Japan; Toyota Motor Manufacturing North America, Inc., of Erlanger, Kentucky; and Toyota Motor Sales, U.S.A., Inc., of Torrance, California as respondents.

On May 23, 2006, complainant Solomon moved for leave to amend the complaint and notice of investigation pursuant to Commission rule 210.14(b) to substitute respondent Toyota Motor Manufacturing North America, Inc. with Toyota Motor Engineering & Manufacturing North America, Inc. and Toyota Motor Manufacturing Kentucky, Inc. Respondents and the Commission investigative attorney did not oppose the motion.

On May 26, 2006, the ALJ issued an ID (Order No. 7) granting complainant's unopposed motion to amend the complaint and notice of investigation. No petitions for review of Order No. 7 were filed.

The authority for the Commission's action 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: June 26, 2006.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 06-5812 Filed 6-28-06; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-491; Inv. No. 337-TA-481 (consolidated); Enforcement Proceeding]

In the Matter of Certain Display Controllers and Products Containing Same and Certain Display Controllers With Upscaling Functionality and Products Containing Same; Notice of Institution of Formal Enforcement Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has instituted a formal enforcement proceeding relating to a limited exclusion order issued at the conclusion of the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT:

Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3061. Copies of 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. 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/>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Inv. No. 337-TA-481, *Certain Display Controllers with Upscaling Functionality and Products Containing Same* ("Display Controllers I" or "481 investigation") on October 18, 2002, based on a complaint

filed by Genesis Microchip (Delaware) Inc. ("Genesis") of Alviso, California naming Media Reality Technologies, Inc. of Sunnyvale, California ("MRT"); Trumpion Microelectronics, Inc. ("Trumpion") of Taipei City, Taiwan; and SmartASIC, Inc. of San Jose, California ("SmartASIC") as respondents. 67 FR 64411. The complaint, as supplemented, 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 display controllers with upscaling functionality and products containing same by reason of infringement of certain claims of U.S. Patent No. 5,739,867 ("the '867 patent"). Id. On January 14, 2003, the then presiding administrative law judge ("ALJ") issued an initial determination ("ID") terminating respondent SmartASIC from the investigation on the basis of a settlement agreement. That ID was not reviewed by the Commission.

The final ID in *Display Controllers I* ("the 481 Final ID") issued on October 20, 2003. 68 FR 69719 (Dec. 15, 2003). On December 5, 2003, the Commission determined to review the 481 Final ID in part. Id. On review of the 481 Final ID, the Commission determined to reverse portions of the ALJ's claim construction and to remand *Display Controllers I* to the ALJ. 69 FR 3602 (Jan. 26, 2004).

The Commission instituted Inv. No. 337-TA-491, *Certain Display Controllers and Products Containing Same* ("Display Controllers II" or "491 investigation") on April 14, 2003, based on a complaint filed on behalf of Genesis. 68 FR 17964 (Apr. 14, 2003). The complaint, as supplemented, 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 display controllers and products containing same by reason of infringement of certain claims of U.S. Patent No. 6,078,361; certain claims of U.S. Patent No. 5,953,074 ("the '074 patent"); and certain claims of U.S. Patent No. 6,177,922 ("the '922 patent"). The notice of investigation named three respondents: Media Reality Technologies, Inc. of Taipei, Taiwan; MRT; and Trumpion. Id. Both Trumpion and MRT were also named respondents in *Display Controllers I*.

On June 20, 2003, the ALJ issued an ID (Order No. 5) amending the complaint and notice of investigation in *Display Controllers II* to add MStar Semiconductor, Inc. ("MStar") as a respondent, additional claims of the

'074 patent, and certain claims of the '867 patent, which was asserted in the 481 investigation. That ID was not reviewed by the Commission. 68 FR 44967 (July 31, 2003).

On November 10, 2003, the ALJ issued an ID (Order No. 38) granting complainant's motion to terminate the *Display Controllers II* investigation with respect to Trumpion. In the same ID the ALJ terminated the investigation with respect to the '922 patent and the '074 patent. That ID was not reviewed by the Commission.

On April 14, 2004, the ALJ issued his final ID ("the 491 Final ID") and recommended determination on remedy and bonding in *Display Controllers II*. The ALJ found a violation of section 337 in the 491 Final ID with respect to respondent MStar, but no violation with respect to respondent MRT.

On May 20, 2004, the ALJ issued an ID on remand in *Display Controllers I* ("the 481 Remand ID"). The ALJ found a violation of section 337 in the 481 Remand ID with respect to both respondents in *Display Controllers I*, MRT and Trumpion.

On May 21, 2004, the Commission issued an order consolidating the 481 and 491 investigations. On July 6, 2004, the Commission determined to review portions of the 481 Remand ID and portions of the 491 Final ID. 69 FR 41846.

On August 20, 2004, the Commission issued a limited exclusion order in which the Commission determined that there was a violation of Section 337 in the unlawful importation and sale by respondents MRT, Trumpion, and MStar of display controllers and products containing same by reason of infringement of, inter alia, claims 2, 33-35, and 36 of the '867 patent. On August 27, 2004, the Commission issued its Opinion ("the 481/491 Opinion," or "Consolidated Opinion") in which it explained the basis for its determination. MStar appealed the Commission's determination on violation relating to the '867 patent to the U.S. Court of Appeals for the Federal Circuit. The Commission's determination was affirmed on May 25, 2006. *MStar v. U.S. Int'l Trade Comm'n*, 2006 WL 1476137 (Fed. Cir. 2006).

On April 24, 2006, complainant Genesis filed a complaint for enforcement proceedings under Commission Rule 210.75. Genesis asserts that respondent MStar has violated the Commission's limited exclusion order by importing its Tsunami display controllers into the United States.

The Commission, having examined the complaint seeking a formal

enforcement proceeding, and having found that the complaint complies with the requirements for institution of a formal enforcement proceeding contained in Commission rule 210.75, has determined to institute formal enforcement proceedings to determine whether MStar is in violation of the Commission's limited exclusion order issued in the investigation, and what, if any, enforcement measures are appropriate. The Commission has directed the ALJ not to consider Genesis' request for monetary penalties for any violation of the limited exclusion order in light of *Certain Lens-Fitted Film Packages*, Inv. No. 337-TA-406 (Consolidated Enforcement and Advisory Opinion Proceedings) Commission Opinion at 12 (June 23, 2003). The following entities are named as parties to the formal enforcement proceeding: (1) Complainant Genesis, (2) respondent MStar, and (3) a Commission investigative attorney to be designated by the Director, Office of Unfair Import Investigations.

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 § 210.75 of the Commission's Rules of Practice and Procedure (19 CFR 210.75).

Issued: June 23, 2006.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1104 (Preliminary)]

Certain Polyester Staple Fiber From China

AGENCY: United States International Trade Commission.

ACTION: Institution of antidumping investigation and scheduling of a preliminary phase investigation.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping investigation No. 731-TA-1104 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is

materially retarded, by reason of imports from China of certain polyester staple fiber¹, provided for in subheading 5503.20.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping investigations in 45 days, or in this case by August 7, 2006. The Commission's views are due at Commerce within five business days thereafter, or by August 14, 2006.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Dates: *Effective Date:* June 23, 2006.

FOR FURTHER INFORMATION CONTACT:

Jeremy Wise (202-205-3190), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter 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 (<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>.

¹ The merchandise subject to this proceeding is synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyester, measuring 3.3 decitex (3 denier) or more. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The subject merchandise may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture.

The following products are excluded from the scope: (1) PSF of less than 3.3 decitex (less than 3 denier) currently imported under HTS statistical reporting number 5503.20.0025, known to the industry as PSF for spinning and generally used in woven and knit applications to produce textile and apparel products; (2) PSF of 10 to 18 denier that are cut to lengths of 6 to 8 inches and that are generally used in the manufacture of carpeting; and (3) low-melt PSF, defined as bi-component fiber with an outer, non-polyester sheath that melts at a significantly lower temperature than its inner polyester core (HTS 5503.20.0015).

Certain PSF is imported under statistical reporting numbers 5503.20.0045 and 5503.20.0065 of the Harmonized Tariff Schedule of the United States.