

By order of the Commission.

Issued: December 1, 2015.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2015-30734 Filed 12-4-15; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-973]

### Certain Wearable Activity Tracking Devices, Systems, and Components Thereof; Institution of Investigation

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on November 2, 2015, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Fitbit, Inc. of San Francisco, California. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wearable activity tracking devices, systems, and components thereof by reason of infringement of certain claims of U.S. Patent No. 8,920,332 (“the ‘332 patent”); U.S. Patent No. 8,868,377 (“the ‘377 patent”); and U.S. Patent No. 9,089,760 (“the ‘760 patent”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited 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:** The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

**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 (2015).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on December 1, 2015, *ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation is 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 wearable activity tracking devices, systems, and components thereof by reason of infringement of one or more of claims 1, 4, 5, and 13-17 of the ‘332 patent; claims 1-4, 7-11, 16, 25, 27, and 28 of the ‘377 patent; claims 1-15 and 18-21 of the ‘760 patent, 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 complainant is: Fitbit, Inc., 405 Howard Street, San Francisco, CA 94105.

(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: AliphCom d/b/a Jawbone, 99 Rhode Island Street, 3rd Floor, San Francisco, CA 94103. BodyMedia, Inc., Union Trust Building, 501 Grant Street, Suite 1075, Pittsburgh, PA 15219.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate 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(e) 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 a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: December 1, 2015.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2015-30732 Filed 12-4-15; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-921]

### Certain Marine Sonar Imaging Devices, Including Downscan and Sidescan Devices, Products Containing the Same, and Components Thereof; Commission’s Final Determination Finding a Violation of Section 337; Issuance of a Limited Exclusion Order and a Cease and Desist Order; Termination of the Investigation

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in this investigation and has issued a limited exclusion order prohibiting respondents Garmin International, Inc. and Garmin USA, Inc., both of Olathe, Kansas, and Garmin (Asia) Corporation of New Taipei City, Taiwan (collectively, “Garmin”), from importing certain marine sonar imaging devices, including

downscan and sidescan devices, products containing the same, and components thereof that infringe certain claims of U.S. Patent Nos. 8,305,840 (“the ‘840 patent”) and 8,605,550 (“the ‘550 patent”). The Commission has also issued a cease and desist order against Garmin prohibiting the sale and distribution within the United States of articles that infringe certain claims of the ‘840 and ‘550 patents. The Commission has found no violation based on U.S. Patent No. 8,300,499 (“the ‘499 patent”). The investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:**

Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-3438. 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 (<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 investigation on July 14, 2014, based on a complaint filed by Navico, Inc. of Tulsa, Oklahoma, and Navico Holding AS, of Egersund, Norway (collectively, “Navico”). 79 FR 40778 (July 14, 2014). The complaint alleged violations of section 337 by reason of the importation into the United States, the sale for importation, and the sale within the United States after importation of certain marine sonar imaging devices, including downscan and sidescan devices, products containing the same, and components thereof. *Id.* The complaint alleged the infringement of certain claims of the ‘840, ‘499, and ‘550 patents. *Id.* The notice of investigation named Garmin and Garmin North America, Inc. as respondents. *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party. *Id.* The Commission later terminated the investigation as to Garmin North America, Inc. and various of the asserted claims. Notice (Dec. 31, 2014) (determining not to review Order No. 10

(Dec. 2, 2014)); Notice (Jan. 9, 2015) (determining not to review Order No. 11 (Dec. 11, 2014)); Notice (Jan. 13, 2015) (determining not to review Order No. 13 (Dec. 17, 2014)).

On March 3, 2015, the Commission determined on summary determination that Navico satisfied the economic prong of the domestic industry requirement for the ‘840 and ‘499 patents and the technical prong of the domestic industry requirement for the ‘840 and ‘550 patents. Notice (Mar. 3, 2015) (determining not to review Order No. 14 (Jan. 29, 2015) and Order No. 15 (Jan. 30, 2015)).

On July 2, 2015, the ALJ issued a final initial determination (“ID”) finding no violation of section 337 with respect to all three asserted patents. Specifically, the ALJ found that the asserted claims of each patent are not infringed and were not shown to be invalid for anticipation or obviousness. The ALJ found that the economic prong of the domestic industry requirement was not satisfied with respect to the ‘550 patent. The ALJ also issued a recommended determination on remedy and bonding (“RD”), recommending, if the Commission finds a section 337 violation, that a limited exclusion order and a cease and desist order should issue and that a bond should be imposed at a reasonable royalty of eight percent for each infringing device imported during the period of presidential review.

On July 20, 2015, Navico and OUII filed petitions for review challenging various findings in the final ID, and Garmin filed a contingent petition for review. On July 28, 2015, the parties filed responses to the various petitions. On August 5, 2015, Navico and Garmin filed post-RD statements on the public interest under Commission Rule 210.50(a)(4). The Commission did not receive any post-RD public interest comments from the public. *See* 80 FR 39799 (July 10, 2015).

On September 3, 2015, the Commission determined to review the final ID in part and requested additional briefing from the parties on certain issues. 80 FR 54592 (Sept. 10, 2015). Specifically, the Commission determined to review (1) the ALJ’s construction of the limitation “single linear downscan transducer element” recited in claims 1 and 23 of the ‘840 patent (and its variants in the ‘499 and ‘550 patents); (2) the ALJ’s construction of the limitation “combine” (and its variants) recited in claims 1, 24, and 43 of the ‘499 patent; (3) the ALJ’s findings of noninfringement with respect to the three asserted patents; (4) the ALJ’s findings of validity with respect to the

three asserted patents; and (5) the ALJ’s finding regarding the economic prong of the domestic industry requirement with respect to the ‘550 patent. *Id.* The Commission also solicited briefing from the parties and the public on the issues of remedy, bonding, and the public interest. *Id.*

On September 14, 2015, the parties filed initial written submissions addressing the Commission’s questions and remedy, bonding, and the public interest. On September 21, 2015, the parties filed response briefs. No comments were received from the public.

Having examined the record of this investigation, including the final ID and the parties’ submissions, the Commission has determined that Navico has proven a violation of section 337 based on infringement of claims 1, 5, 7, 9, 11, 16–19, 23, 32, 39–41, 63, and 70–72 of the ‘840 patent and infringement of claims 32 and 44 of the ‘550 patent. The Commission has determined to modify the ALJ’s construction of certain terms in the asserted claims of the asserted patents, including “single linear downscan transducer element” recited in the ‘840 patent and its variants recited in the ‘550 and ‘499 patents. Under the modified constructions, the Commission has determined Navico has proven that (i) the accused Garmin echo products, echoMAP products, and GPSMAP products with their respective transducers infringe claims 1, 5, 7, 9, 11, 16–19, 23, 32, 39–41, and 70–72 of the ‘840 patent; (ii) the accused Garmin echoMAP products and GPSMAP products with their respective transducers infringe claim 63 of the ‘840 patent; (iii) the accused Garmin GCV10 and GSD25 sonar modules with their respective transducers infringe claims 1, 5, 9, 11, 23, and 32 of the ‘840 patent; (iv) the accused Garmin GT30 transducer, which comes with the GCV10 sonar module, infringes claims 1, 7, 12, 13, and 57 of the ‘550 patent; and (v) the accused Garmin GT30 transducer, in conjunction with the GCV10 sonar module, infringes claims 32 and 44 of the ‘550 patent. The Commission has determined Garmin has not proven that the asserted claims of the ‘840 patent are invalid. The Commission has determined that Garmin has proven that claims 1, 7, 12, 13, and 57 of the ‘550 patent are invalid as obvious, but that Garmin has not proven that claims 32 and 44 of the ‘550 patent are invalid. The Commission has also determined that Navico has proven that a domestic industry exists in the United States for the ‘550 patent.

The Commission has determined that Navico has not proven a violation with respect to the '499 patent. The Commission has determined to adopt, on modified grounds, the ALJ's construction of the term "combining" (and its variants) recited in the asserted claims of the '499 patent. Under that construction, the Commission has determined that the asserted claims are not invalid and not infringed.

The Commission has determined the appropriate remedy is a limited exclusion order and a cease and desist order prohibiting Garmin from importing into the United States or selling or distributing within the United States certain marine sonar imaging devices, including downscan and sidescan devices, products containing the same, and components thereof that infringe the asserted claims of the '840 and '550 patents. The Commission has determined the public interest factors enumerated in section 337(d)(1) and (f)(1) do not preclude issuance of the limited exclusion order or cease and desist order.

Finally, the Commission has determined to apply a bond in the amount of 100 percent of the entered value of excluded products imported during the period of Presidential review (19 U.S.C. 1337(j)). The Commission's order and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance.

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 Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: December 1, 2015.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2015-30733 Filed 12-4-15; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Spectrum Consortium

Notice is hereby given that, on October 22, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), National Spectrum Consortium ("NSC")

has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Alion Science and Technology Corporation, Rome, NY; All Purpose Networks LLC, Dover, NJ; Altgrove LLC, Herndon, VA; ANDRO Computational Solutions, LLC, Rome, NY; Arizona State University, Tempe, AZ; Astrapi Corporation, Dallas, TX; AT&T, Inc., Vienna, VA; ATDI Government Services, LLC, McLean, VA; BAE Systems Information and Electronic Systems Integration, Inc., Nashua, NH; Battelle Energy Alliance, LLC, Idaho Falls, ID; Black River Systems Company, Inc., Utica, NY; Brigham Young University, Provo, UT; Chesapeake Technology International Corporation, California, MD; CIPHER-TM, LLC, Charleston, SC; Cognitive Radio Technologies, LLC, Lynchburg, VA; CommScope Technologies, LLC, Ashburn, VA; Constellation Data Systems, Inc., Cincinnati, OH; Creative Digital Systems Integration, Inc., Simi Valley, CA; CRFS, Inc., Falls Church, VA; Cubic Defense Applications, Inc., San Diego, CA; Darkblade Systems Corporation, Stafford, VA; Disney/ABC TV Group, New York, NY; DRS Signal Solutions, Inc., Germantown, MD; Exelis, Inc., Clifton, NJ; Expression Networks LLC, McLean, VA; Federated Wireless, Arlington, VA; Florida International University, Miami, FL; Foundry, Inc., Millersville, MD; Genesys Technologies Ltd., Langhorne, PA; Georgia Tech Applied Research Corporation, Atlanta, GA; GIRD Systems, Inc., Cincinnati, OH; Gonzaga University, Spokane, WA; Haigh-Farr, Inc, Bedford, NH; Harris Corporation, Melbourne, FL; Honeywell International, Inc., Morris Township, NJ; Hughes Network Systems LLC, Germantown, MD ICF Incorporated, LLC, Fairfax, VA; IJK Controls LLC, Dallas, TX; InCadence Strategic Solutions, Manassas, VA; Infinite Dimensions Integration, Inc., Alexandria, VA; Intelligent Automation, Inc., Rockville, MD; InterDigital Communications, Wilmington, DE; Kerberos International, Inc., Temple, TX; Kestrel Corporation, Albuquerque, NM; Key Bridge Global LLC d/b/a Key Bridge LLC, McLean, VA; Keysight Technologies, Inc., Santa Rosa, CA; KinetX, Inc., Tempe, AZ; Kranze Technology Solutions, Inc., Prospect Heights, IL; L3 Communications, San

Diego, CA; L3 Communications Systems West, Salt Lake City, UT; L3 Communications Telemetry West, San Diego, CA; Laulima Systems, Kalaheo, HI; LGS Innovations, Herndon, VA; LHC2 Inc. d/b/a Eigen Wireless, Liberty Lake, WA; Lockheed Martin Corporation, Cherry Hill, NJ; LS telcom Inc., Bowie, MD; Metric Systems Corporation, Vista, CA; Monterey-Nouveau & Associates, LLC, Dayton, OH; Nokia Networks, Irving, TX; Northrop Grumman Systems Corporation, Electronic Systems, Linthicum Heights, MD; Northwestern University, Evanston, IL; NTS Technical Systems, Calabasas, CA; Oceanit Laboratories, Inc., Honolulu, HI; Ocu Networks, Inc., Reston, VA; Optical Filter Corp d/b/a Corning Specialty Materials, Keene, NH; Pathfinder Wireless Corp, Seattle, WA; Perceptix LLC, Washington, DC; Physical Optics Corporation, Torrance, CA; Pirhonen, Riku P. d/b/a The Research Armadillo, Flower Mound, TX; Planned Systems International, Inc., Columbia, MD; PrioriTech, Inc., State College, PA; Purdue University, West Lafayette, IN; Raytheon Company, El Segundo, CA; Roberson and Associates LLC, Chicago, IL; Rockwell Collins, Inc., Cedar Rapids, IA; RWC, LLC, Annapolis, MD; S2 Corporation, Bozeman, MT; SA Photonics, Inc., Los Gatos, CA; Sage Management Enterprise, LLC, Columbia, MD; SENTEL Corporation, Alexandria, VA; Shared Spectrum Company, Vienna, VA; Shenandoah Research and Technology, LLC, Mount Jackson, VA; SI2 Technologies, Inc., N. Billerica, MA; Signal Hound, Inc., La Center, WA; Silvus Technologies, Inc., Los Angeles, CA; Southwest Research Institute, San Antonio, TX; Spectronn, Holmdel, NJ; SpectrumFi, Sunnyvale, CA; SRI International, Menlo Park, CA; SSC Innovations LLC, Vienna, VA; Stevens Institute of Technology, Hoboken, NJ; The Aerospace Corporation, El Segundo, CA; The Charles Stark Draper Laboratory, Inc., Cambridge, MA; The John Hopkins University Applied Physics Laboratory, Laurel, MD; The Ohio State University, Columbus, OH; Trabus Technologies, Inc., San Diego, CA; TrellisWare Technologies, Inc., San Diego, CA; TriaSys Technologies Corporation, N. Billerica, MA; Under the Grid, LLC, Pacific Grove, CA; University of Arizona—Electrical and Computer Engineering, Tucson, AZ; University of Illinois, Urbana, IL; University of Mississippi, University, MS; University of Notre Dame, Notre Dame, IN; University of Southern California Information Sciences Institute, Marina Del Ray, CA;