

not invalid and that those patents are not unenforceable.

On May 27, 2005, complainants and respondents each petitioned for review of portions of the final ID. On June 6, 2005, complainants, respondents, and the IA filed responses to the petitions for review.

On July 19, 2005, the Commission determined to review the ID in part. 70 FR 42589–91. Specifically, the Commission determined to review the ID's findings of fact and conclusions of law with respect to the '527 and '440 patents. *Id.* The Commission determined not to review the ID's findings of fact and conclusions of law with respect to the '736 patent, thereby adopting them. *Id.* Accordingly, the Commission found no violation of section 337 with respect to the '736 patent. *Id.* The Commission also determined to review and modify the ID to clarify that respondents accused of infringing only the asserted claims of the '736 patent (*viz.*, respondents Audiovox Corporation; Initial Technology, Inc.; Mintek Digital, Inc.; Shinco International AV Co., Ltd.; Changzhou Shinco Digital Technology Co., Ltd.; Jiangsu Shinco Electronic Group Co., Ltd.; Terapin Technology Pte., Ltd. [formerly known as Teraoptix d/b/a Terapin Technology] of Singapore; and Terapin Technology U.S. [formerly also known as Teraoptix]) are not in violation of Section 337. *Id.*

In its notice of review, the Commission invited the parties to file written submissions on the issues under review, posed briefing questions for the parties to answer, and invited interested persons to file written submissions on the issues of remedy, the public interest, and bonding. *Id.*

All parties filed initial submissions on August 1, 2005. Also on August 1, 2005, respondents filed a letter requesting clarification of the scope of briefing question 3(a) in the Commission's notice of review, and permission to brief new issues not previously raised. On August 8, 2005, all parties filed reply submissions.

The Commission has determined to deny respondents' August 1, 2005, letter request for permission to brief new issues that were not previously raised, and respondents' August 8, 2005, request under 19 CFR 210.45(a).

Having examined the record in this investigation, including the submissions and responses thereto, the Commission has determined that there is a violation of section 337 as to claim 3 of the '527 patent, but no violation of the statute as to the remaining claims in issue of the '527 patent (*viz.*, claims 1 and 2) and no violation as to the claims in issue of the

'440 patent (*viz.*, claims 1, 5, 7, 8, 10, 13, 14, 19, and 21).

The Commission has determined that respondents waived their arguments (1) that the asserted claims are invalid under 35 U.S.C. 102(f) for non-joinder of Western Digital engineers other than Shishir Shah and (2) concerning the respective dates of reduction to practice for Western Digital's HISIDE chip and the claims of the '440 and '527 patents.

The Commission has determined to adopt the ID with the following modifications and exceptions. The Commission has determined to modify the ID's construction of "controller" to reflect that, although the limitation "optical drive controller" means "a device or group of devices to control data communications between a host computer and the optical disk drive electronics" (ID at 80), configurations wherein a "controller requires a translator card or other intervening circuitry between the controller and the IDE bus to translate or manipulate command data" were disclaimed during prosecution. The Commission has determined to affirm the balance of the ID's claim construction.

The Commission has determined to vacate the ID's finding that there is a conception date of the asserted claims of the '527 and '440 patents at least by April 21, 1993, (see ID at 129 n.45, 142), and has further determined to vacate the statement (ID at 142) that expressly relies on the April 21, 1993, conception date to make an alternate finding, *viz.*, "[e]ven assuming that conception of a transport mechanism that attached a CD-ROM drive to an IDE/ATA bus was relevant, there is no contemporaneous documentation showing conception in December 1992 or a conception even before the April 1993 conception of the claimed inventions in issue."

The Commission has determined to vacate the ALJ's infringement findings with respect to the MT1528, MT1558, and MT1668 because the record does not support such findings.

The Commission has determined to clarify that complainants met the economic prong of the domestic industry requirement based on "substantial investment" in "engineering, research and development," rather than through licensing. The Commission has also determined to correct certain typographical errors on pages 75–76, 129, and 156 of the ID.

The Commission also made determinations on the issues of remedy, the public interest, and bonding. The Commission determined that the appropriate form of relief is a limited exclusion order prohibiting the

unlicensed entry of chips or chipsets covered by claim 3 of U.S. Patent No. 6,584,527 manufactured abroad or imported by or on behalf of Mediatek, Inc. of Hsin-Chu City, Taiwan, and optical storage devices containing such covered chips or chipsets that are manufactured abroad or imported by or on behalf of Artronix Technology, Inc. of Brea, CA; ASUSTek Computer, Inc. of Taipei, Taiwan; ASUS Computer International of Fremont, CA; MSI Computer Corporation of City of Industry, CA; TEAC America Inc. of Montebello, CA; EPO Science and Technology, Inc. of Taipei, Taiwan; LITE-ON Information Technology Corp. of Taipei, Taiwan; Micro-Star International Co., Ltd. of Taipei Hsien, Taiwan; TEAC Corp. of Tokyo, Japan; or Ultima Electronics Corp. of Taipei Hsien, Taiwan. The Commission has also determined to issue cease and desist orders directed to Artronix Technology, Inc.; ASUSTek Computer, Inc.; ASUS Computer International; MSI Computer Corporation; TEAC America Inc.; EPO Science and Technology, Inc.; and LITE-ON Information Technology Corp.

The Commission also determined that the public interest factors enumerated in 19 U.S.C. 1337(d) and (f) do not preclude issuance of the remedial orders, and that the bond during the Presidential period of review shall be set at 100 percent of the entered value for any covered chips or chipsets and \$4.43 per unit for any optical storage device containing covered chips or chipsets.

The authority for the Commission's determinations is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in §§ 210.45–210.51 of the Commission's Rules of Practice and Procedure (19 CFR 210.45–210.51).

Issued: September 28, 2005.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 05–19703 Filed 9–30–05; 8:45 am]

BILLING CODE 7020–02–P

---

## JUDICIAL CONFERENCE OF THE UNITED STATES

### Hearing of the Judicial Conference Advisory Committee on Rules of Civil Procedure

**AGENCY:** Judicial Conference of the United States Advisory Committee on Rules of Civil Procedure.

**ACTION:** Notice of cancellation of open hearing.

---

**SUMMARY:** The public hearing on proposed amendments to the Federal Rules of Civil Procedure, scheduled for October 26, 2005, in San Francisco, California, has been canceled. [Original notice of hearing appeared in the *Federal Register* of July 14, 2005.]

**FOR FURTHER INFORMATION CONTACT:** John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502-1820.

Dated: September 26, 2005.

**John K. Rabiej,**

*Chief, Rules Committee Support Office.*

[FR Doc. 05-19679 Filed 9-30-05; 8:45 am]

**BILLING CODE 2210-55-M**

## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms and Explosives

#### Agency Information Collection Activities: Proposed Collection; Comments Requested

**ACTION:** 60-Day Notice of Information Collection Under Review: Identification of Imported Explosives Materials.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until December 2, 2005. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gary Bangs, Explosives Industry Programs Branch, Room 5000, 650 Massachusetts Avenue, NW., Washington, DC 20226.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

#### *Overview of this information collection:*

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Identification of Imported Explosives Materials.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None. The information is necessary to ensure that explosive materials can be effectively traced. All licensed importers are required to identify by marking all explosive materials they import for sale or distribution. The process provides valuable information in explosion and bombing investigations.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 15 respondents will spend 1 hour placing marks of identification on imported explosives.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 45 annual total burden hours associated with this collection.

*If additional information is required contact:* Brenda E. Dyer, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530, or by e-mail at [brenda.e.dyer@usdoj.gov](mailto:brenda.e.dyer@usdoj.gov).

Dated: September 28, 2005.

**Brenda E. Dyer,**

*Department Clearance Officer, Department of Justice.*

[FR Doc. 05-19699 Filed 9-30-05; 8:45 am]

**BILLING CODE 4410-FY-P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Agency Information Collection Activities: Proposed Collection; Comments Requested

**ACTION:** 60-Day Notice of Information Collection Under Review: Prescription Monitoring Program Questionnaire.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until December 2, 2005. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological