

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-602]

In the Matter of: Certain GPS Devices and Products Containing Same; Notice of Commission Final Determination of Violation of Section 337; Termination of Investigation; Issuance of Limited Exclusion Order and Cease and Desist Orders

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined that there is a violation of 19 U.S.C. 1337 by SiRF Technology, Inc. of San Jose, California ("SiRF"); Pharos Science & Applications, Inc. of Torrance, California ("Pharos"); MiTAC International Corp. of Taiwan ("MiTAC"); Mio Technology Ltd., USA of Fremont, California ("Mio"); and E-TEN Information Systems Co., Ltd. of Taiwan ("E-TEN") (collectively, "Respondents") in the above-captioned investigation. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT:

Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-1999. 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 investigation on May 7, 2007, based on a complaint filed by Global Locate, Inc. of San Jose, California ("Global Locate"). 72 FR 25777 (May 7, 2007). The complaint 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 GPS (Global Positioning System) devices and products containing the same by reason of infringement of various claims of United States Patent Nos. 6,417,801 ("the '801 patent"); 6,606,346 ("the '346 patent"); 6,651,000 ("the '000 patent"); 6,704,651 ("the '651 patent"); 6,937,187 ("the '187 patent"); and 7,158,080 ("the '080 patent"). The complaint named SiRF, Pharos, MiTAC, Mio, and E-TEN as respondents. The notice of investigation was subsequently amended to add Broadcom Corporation ("Broadcom") of Irvine, California as a complainant when Broadcom acquired Global Locate (collectively, "Complainants").

On August 8, 2008, the ALJ issued his final ID finding a violation of section 337 in the importation and the sale after importation of certain GPS devices and products containing the same, in connection with the asserted claims of each of the six patents at issue. Respondents and the Commission investigative attorney (IA) each filed petitions for review on August 25, 2008. On September 5, 2008, Complainants and the IA each filed responses to the petitions for review.

On October 9, 2008, the Commission determined to review the ALJ's final ID in part and requested briefing on the issues under review, remedy, the public interest, and bonding. The Commission determined to review: (1) The ID's finding that Global Locate has standing to assert the '346 patent; (2) the ID's finding that SiRF directly infringes claim 1 of the '651 patent through its commercial activities; and (3) the ID's finding that SiRF directly infringes claim 1 of the '000 patent through its commercial activities. On October 27, 2008, the parties filed written submissions on the issues under review, and on November 3, 2008, the parties filed response submissions.

On October 21, 2008, the Commission extended the deadline for receiving written submissions on remedy, the public interest, and bonding until November 13, 2008, in light of the Federal Circuit's recent decision in *Kyocera Wireless Corp. v. ITC*, 545 F.3d 1340 (Fed. Cir. 2008). On November 13, 2008, the parties to the investigation along with non-party Garmin International, Inc. each filed written submissions on remedy, the public interest, and bonding. On November 14, 2008, Nokia Corporation and Nokia Inc. (collectively "Nokia"), also non-parties, filed a motion for leave to file written submissions on remedy, the public interest, and bonding one day late with the submission attached. No party opposed this motion. The Commission

has determined to grant Nokia's motion. On November 24, 2008, the parties filed reply submissions on remedy, the public interest, and bonding.

On November 18, 2008, Respondents filed a petition for reconsideration of the Commission's determination not to review the ALJ's finding that claim 1 of the '187 patent and claims 1, 2, and 11 of the '801 patent recite patent-eligible subject matter under 35 U.S.C. 101 in light of the Federal Circuit's *en banc* decision in *In re Bilski*, 545 F.3d 943 (Fed. Cir. 2008). On November 25, 2008, Complainants and the IA each filed responses in opposition to Respondents' petition for reconsideration. Having reviewed the petition for reconsideration and the responses, the Commission has determined to deny the petition for reconsideration.

Having examined the record of this investigation, including the ALJ's final ID, the Commission has determined to modify the following findings in the ID: (i) Global Locate has standing to assert the '346 patent, (ii) SiRF directly infringes the '000 patent through its commercial activities, and (iii) SiRF directly infringes the '651 patent through its commercial activities. These modifications merely clarify the ALJ's findings.

The Commission has determined that the appropriate form of relief is (i) a limited exclusion order prohibiting the unlicensed entry of GPS chips and products incorporating these chips that infringe one or more of claims 4 and 11 of the '346 patent, claims 1, 2, and 22 of the '080 patent, claims 1, 2, and 11 of the '801 patent, claims 1 and 9 of the '187 patent, claims 1 and 2 of the '651 patent, and claims 1, 2, and 5 of the '000 patent and are manufactured abroad by or on behalf of, or imported by or on behalf of, SiRF, E-TEN, Pharos, MiTAC and Mio; and (ii) cease and desist orders against domestic respondents SiRF, Mio, and Pharos.

The Commission further determined that the public interest factors enumerated in section 337(d) and (f)(19 U.S.C. 1337(d), (f)) do not preclude issuance of the limited exclusion order and the cease and desist orders. Finally, the Commission determined the amount of bond to permit temporary importation during the Presidential review period (19 U.S.C.1337(j)) shall be in the amount of one hundred (100) percent of the entered value of the articles that are subject to the order. The Commission's order was delivered to the President and the United States Trade Representative on the day of its 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 sections 210.42–50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–50).

By order of the Commission.

Issued: January 15, 2009.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–1428 Filed 1–22–09; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on January 15, 2009, a proposed consent decree (“Consent Decree”) in *United States v. CEMEX California Cement, LLC*, Civil Action No. 07–00223–GW, was lodged with the United States District Court for the Central District of California.

The Consent Decree would resolve claims asserted by the United States against CEMEX California Cement, LLC (“CEMEX”) pursuant to Sections 113(b) and 167 of the Clean Air Act (the “Act”), 42 U.S.C. 7413(b) and 7477, seeking injunctive relief and the assessment of civil penalties for CEMEX's violations of the Prevention of Significant Deterioration (“PSD”) provisions in Part C of Subchapter I of the Act, 42 U.S.C. 7470–7492, and the federal PSD regulations, 40 CFR 52.21.

CEMEX operates a portland cement manufacturing facility in Victorville and Apple Valley, California. The complaint filed by the United States alleges that CEMEX modified Quarry Kiln #2 in 1997 and constructed new Quarry Kiln #3 in 2000 without complying with PSD, including the requirements to first obtain a PSD permit authorizing the modifications and to install and operate the best available technology to control emissions of sulfur dioxide (“SO₂”), nitrogen oxides (“NO_x”), and/or carbon monoxide (“CO”).

The Consent Decree would require CEMEX to comply with emissions limits of 1.95 pounds of NO_x, 0.35 pounds of SO₂, and 2.9 pounds of CO per ton of clinker at Quarry Kiln #2. The Consent Decree would also require CEMEX to comply with a 1.95 pounds of NO_x per ton of clinker emission limit at Quarry Kiln #3, as well as a mass NO_x emission limit for both kilns of 19,314 pounds per day of operation. Finally, the Consent Decree would require CEMEX to pay a \$2,000,000 civil penalty.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments

relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States v. CEMEX California Cement, LLC*, D.J. Ref. No. 90–5–2–1–08691.

The Consent Decree may be examined at the Office of the United States Attorney, Central District of California, 300 North Los Angeles Street, Room 7516, Los Angeles, California 90012, and at U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105. 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. 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), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$10.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Henry S. Friedman,

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

[FR Doc. E9–1393 Filed 1–22–09; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Solicitation for a Cooperative Agreement—Transition From Prison to Community (TPC)

AGENCY: National Institute of Corrections, Department of Justice.

ACTION: Solicitation for a Cooperative Agreement.

SUMMARY: Helping offenders make a successful transition from prison back into the community has been the focus of much interest in recent years. In 2001, the National Institute of Corrections (NIC) launched its Transition From Prison to the Community (TPC) initiative to bring the best of practical thinking and research

knowledge to this issue. The goal was to articulate a comprehensive and strategic approach to transition that incorporates the lessons of evidence-based practice, emphasizes the importance of collaboration, and provides a practical tool for use by corrections agencies and their governmental and community partners. The TPC model was developed and NIC is now bringing to conclusion extensive implementation assistance to a first set of eight states. The TPC Reentry Handbook (see “Background”) provides a thorough record of that initiative and what has been learned so far. Building specifically on NIC's efforts to date, this cooperative agreement award will deliver TPC technical assistance to a new set of approximately six states and the provider, in conjunction with NIC, and will continue to advance the model and develop products that can assist non-participating jurisdictions who have an interest in TPC implementation.

Since a system change initiative of this scale and scope is complex and time consuming it is expected that new states will require TPC assistance for three years. This initial 12-month phase is expected to be followed by 12 month funding from each of the next two fiscal years for a full 36-month project duration. However, year's two and three funding is subject to satisfactory performance by the provider and availability of funds for NIC to make subsequent TPC continuation awards. Therefore, applications will be reviewed specifically for the “Year One” proposal and work plan, as well as vision and demonstrated competence to complete necessary subsequent year tasks like document development and electronic dissemination of information to non-participating jurisdictions.

DATES: Applications must be received by 4 p.m. EDT on Monday, March 9, 2009.

ADDRESSES: Mailed applications must be sent to: Director, National Institute of Corrections, 320 First Street, NW., Room 5007, Washington, DC 20534.

Applicants are encouraged to use Federal Express, UPS, or similar service to ensure delivery by the due date.

Hand delivered applications should be brought to 500 First Street, NW., Washington, DC 20534. At the front desk, dial 7–3106, extension 0 for pickup.

Faxed applications will not be accepted. Electronic applications can be submitted via <http://www.grants.gov>.

FOR FURTHER INFORMATION CONTACT: To ensure that all potential applicants have access to the same information, all questions concerning the background