

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-651]

### In the Matter of Certain Automotive Parts; Notice of Commission Decision Not To Review Two Initial Determinations That Taken Together Terminate the Investigation in Its Entirety; 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 determined not to review the administrative law judge's ("ALJ") initial determinations ("IDs") (Order Nos. 30 and 31) in the above-captioned investigation, granting joint motions to terminate the investigation based on a settlement agreement and a consent order, respectively. The Commission has terminated this investigation in its entirety.

**FOR FURTHER INFORMATION CONTACT:** Jean H. Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3014. Copies of the ALJ's IDs and all other 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:** On June 5, 2008, the Commission instituted this investigation, based on a complaint filed by Ford Global Technologies, LLC of Dearborn, Michigan ("Ford"). The complaint alleges 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 automotive parts by reason of infringement of U.S. Design Patent Nos D498,444; D501,162; D510,551; D508,223; D500,717; D539,448; D500,969; or D500,970. The

respondents are Keystone Automotive Industries of Pomona, California; LKQ Corporation of Chicago, Illinois; U.S. Autoparts Networks, Inc. ("Autoparts") of Carson, California; Jui Li Enterprise Co. of Kaohsiung Hsien, Taiwan; YCC Parts Manufacturing Co., Ltd. of Taoyuan Hsien, Taiwan; TYC Brother Industrial Co., Ltd. of Tainan, Taiwan; Taiwan Kai Yih Industrial Co., Ltd. of Tainan City, Taiwan; and TYG Products L.P. of McKinney, Texas.

On April 3, 2009, Ford and U.S. Autoparts filed a joint motion under Commission rule 210.21(c)(3) to terminate the investigation as to Autoparts based on a consent order. On the same day, Ford and the remaining respondents filed a joint motion to terminate the investigation based on a settlement agreement. On April 16, 2009, the ALJ issued the subject orders, which granted both motions. No petitions for review of either ID were filed. The Commission has determined not to review the IDs.

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

Issued: May 8, 2009.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9-11366 Filed 5-14-09; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-659]

### In the Matter of Certain Prepregs, Laminates, and Finished Circuit Boards; Notice of Commission Determination Not To Review an Initial Determination Granting Complainant's Motion To Withdraw the Complaint as To Guangdong Shengyi Sci. Tech Co., Ltd. and To Terminate the Investigation

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 11) granting complainant's motion to withdraw the complaint as to Guangdong Shengyi Sci. Tech Co., Ltd ("Shengyi") and to terminate the investigation.

### FOR FURTHER INFORMATION CONTACT:

James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3065. 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:** This investigation was instituted on November 12, 2008, based upon a complaint filed on behalf of Isola USA Corp. of Chandler, Arizona ("Isola") on October 6, 2008, and supplemented on October 28, 2008. 73 FR 66919 (November 12, 2008). 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 prepregs, laminates, and finished circuit boards that infringe certain claims of United States Patent Nos. 6,187,852; 6,322,885; and 6,509,414 ("the '414 patent"). The notice of investigation named seven firms as respondents.

On December 22, 2008, the Commission issued notice of its determinations not to review IDs terminating the investigation with respect to respondents Sanmina-SCI Corp. and ITEQ Corp. based on settlement agreements. On January 9, 2009, the Commission issued notice of its determination not to review an ID terminating the investigation with respect to the '414 patent. On May 19, 2009, the Commission issued notice of its determination not to review an ID terminating the investigation as to respondents VENTEC Electronics (Suzhou) Co., Ltd., VENTEC Electronics (HK) Co., Ltd., and VENTEC-Global Laminates USA LLC based on a consent order. On April 10, 2009, the Commission issued notice of its determination not to review an ID granting a joint motion to terminate the investigation as to Taiwan Union

Technology Corp. based on a consent order.

On March 12, 2009, Isola filed a motion pursuant to 19 CFR 210.21(a)(1) to terminate the investigation as to Shengyi on the basis of withdrawal of the complaint. On March 16, 2009, Shengyi filed objections to Isola's motion to withdraw. On March 18, 2009, Isola filed an opposition to the objections. On March 19, 2009, Shengyi filed a reply. Also on March 19, 2009, the Commission investigative attorney filed a response in support of Isola's motion to withdraw the complaint. On April 16, 2009, the ALJ issued the subject ID, granting Isola's motion to withdraw the complaint.

The Commission has determined not to review the subject ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of section 210.42(h) of the Commission's Rules of Practice and Procedure (19 CFR 210.42(h)).

Issued: May 11, 2009.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9-11367 Filed 5-14-09; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### **United States v. Consolidated Multiple Listing Service, Inc.; Proposed Final Judgment and Competitive Impact Statement**

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of South Carolina in *United States of America v. Consolidated Multiple Listing Service, Inc.*, No. 3:08-CV-1786-SB. On May 2, 2008, the United States filed a Complaint alleging that Consolidated Multiple Listing Service, Inc. ("CMLS") violated Section 1 of the Sherman Act, 15 U.S.C. 1, by denying consumers choice of innovative fee-for-service business models available to consumers in other parts of South Carolina and by adopting burdensome prerequisites to membership that prevented some real estate brokers, who would likely compete aggressively on price, from becoming members of CMLS. The proposed Final Judgment, filed on May 4, 2009, requires CMLS to repeal its

offending rules and prohibits CMLS from adopting any new rules that exclude or otherwise disadvantage brokers who compete in innovative ways.

Copies of the Complaint, proposed Final Judgment and Competitive Impact Statement are available for inspection at the Department of Justice, Antitrust Division, Antitrust Documents Group, 450 5th Street, NW., Room 1010, Washington, DC 20530 (telephone: 202-514-2481), on the Department of Justice's Web site at <http://www.usdoj.gov/atr>, and at the Office of the Clerk of the United States District Court for the District of South Carolina. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be addressed to John R. Read, Chief, Litigation III Section, Antitrust Division, U.S. Department of Justice, 450 5th Street, NW., Suite 4000, Washington, DC 20530, (202) 307-0468.

**J. Robert Kramer II,**

*Director of Operations, Antitrust Division.*

#### **In the United States District Court for the District of South Carolina Columbia Division**

*United States of America, Plaintiff, v. Consolidated Multiple Listing Service, Inc., Defendant*

Civil Action No.

Date: May 2, 2008

Judge:

#### **Complaint for Equitable Relief for Violation of Section 1 of the Sherman Act, 15 U.S.C. § 1**

The United States of America, by its attorneys acting under the direction of the Attorney General, brings this civil antitrust action pursuant to Section 4 of the Sherman Act, 15 U.S.C. 4, against Defendant Consolidated Multiple Listing Service, Inc. ("CMLS"), to obtain equitable and other relief to prevent and remedy violations of Section 1 of the Sherman Act, 15 U.S.C. 1.

The United States complains and alleges as follows:

#### **I. Introduction**

1. The United States brings this action to prevent CMLS from enforcing rules, regulations, by-laws, policies, and procedures (collectively "Rules") that unreasonably restrain competition among real estate brokers in Columbia,

South Carolina and the surrounding areas ("Columbia Area").

2. CMLS is a joint venture comprised of brokers who compete with each other to sell brokerage services in the Columbia Area. CMLS, like other multiple listing services, provides services to its members, including an electronic database of information relating to past and current home listings in the Columbia Area. The database serves as a clearinghouse for the members to communicate information among themselves, such as descriptions of the listed properties for sale and offers to compensate other members if they locate buyers. In addition, the database allows members who represent buyers to search for nearly all the listed properties in the area that match the buyer's needs. By providing an efficient means of exchanging information on home listings, multiple listing services benefit buyers and sellers of real estate, and in turn, buyers of real estate brokerage services, in their service areas.

3. However, that same role makes access to CMLS's database—and therefore membership in CMLS—critically important for any broker seeking to serve clients efficiently in the Columbia Area. Access to the services provided by CMLS is key to being a successful broker, and CMLS is the only provider of such services in the Columbia Area. Therefore, brokers seeking to provide brokerage services in the Columbia Area need to be members of CMLS.

4. CMLS, its Board of Trustees ("Board"), and its members have adopted Rules that govern the conduct and business practices of its approximately 370 members and set standards for the admission of new members. Through these Rules, CMLS's Board and its members have unreasonably inhibited competition over the method of providing brokerage services to consumers in the Columbia Area and have stabilized the price those consumers pay for brokerage services. For example, CMLS's Rules prevent members from providing a set of brokerage services that includes less than the full array of services that brokers traditionally have provided—even if a consumer prefers to save money by purchasing less than all of such services. Additionally, CMLS's Rules require members to use a standard, pre-approved contract that, among other things, prevents its members from offering to a home seller the option of avoiding paying the broker a commission if the seller finds the buyer on her own.