

6,615,485; 6,624,648 (“the ‘648 patent”); 7,168,162 (“the ‘162 patent”); and 7,225,538. The complaint named Micronics Japan Co., Ltd.; MJC Electronics Corp.; Phicom Corporation; and Phiam Corporation as respondents (collectively, “Respondents”). Subsequently, the ‘162 patent was terminated from the investigation.

On December 5, 2008, respondents Phicom Corp. and Phiam Corp., (collectively, “Phicom”) jointly filed a motion for partial summary determination that claims 20 and 34 of the ‘648 patent are invalid as indefinite under 35 U.S.C. 112. On February 11, 2009, the ALJ granted the motion in an ID (Order No. 46). The ID determined that claims 20 and 34, and any asserted claims depending therefrom, are invalid. Complainant FormFactor filed a petition for review of Order No. 46, which Respondents and the Commission Investigative Attorney (“IA”) opposed. On March 11, 2009, the Commission determined to review Order No.46.

The evidentiary hearing in this investigation was held from February 24, 2009, through March 6, 2009. On June 29, 2009, the ALJ issued an Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond, finding no violation of section 337. All parties to this investigation, including the IA, filed timely petitions for review of various portions of the final ID, as well as timely responses to the petitions.

On September 17, 2009, the Commission determined to review the final ID in part, and issued a Notice to that effect. 74 FR 47822 (September 17, 2009). In the Notice, the Commission set a schedule for the filing of written submissions on the issues under review, including certain questions posed by the Commission, and on remedy, the public interest, and bonding. The parties have briefed, with initial and reply submissions, the issues under review and the issues of remedy, the public interest, and bonding.

On review, the Commission has determined as follows.

(1) With respect to the ‘751 patent:

(a) to reverse the ALJ’s determination that Japanese Patent Application Publication H10–31034 to Amamiya *et al.* (RX–166) does not anticipate the asserted claims of the ‘751 patent under 35 U.S.C. 102;

(b) to reverse in part the ID’s conclusion that, *inter alia*, Phicom’s accused products do not infringe claims 1–3, 12, 24, and 25 of U.S. Patent No. 6,509,751, *see* ID at 197, and, accordingly, to modify the ID’s conclusion of law at issue by

substituting the following: “Respondent Micronics’ accused products do not infringe claims 1–3, 12, 24, and 25 of U.S. Patent No. 6,509,751 in violation of 35 U.S.C. 271(a). Respondent Phicom’s (old) Type B and Type C accused products infringe claims 1–3, 12, 24, and 25 of U.S. Patent No. 6,509,751 in violation of 35 U.S.C. 271(a); Phicom’s new Type B and Type C accused products do not infringe.”

(2) With respect to the ‘152 patent:

(a) to strike the ID’s statement “Since three bases for no violation of claim 21 have been determined, no analysis of the invalidity arguments related to anticipation and obviousness of the dependent claims will be made,” *see* ID at 191, and to take no position with respect to the validity of the dependent claims of the ‘152 patent.

(3) To affirm and adopt the ALJ’s other findings contained in the final ID under review except insofar as they are inconsistent with the Commission Opinion to be issued later.

The Commission also determined to affirm ALJ Order No. 46 with certain modifications as will be detailed in the Commission’s Opinion.

The Commission has determined that there is no violation of section 337 in this investigation, and has terminated the investigation.

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 sections 210.41–42, 210.50 of the Commission’s Rules of Practice and Procedure (19 CFR 210.41–42, 210.50).

Issued: November 12, 2009.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9–27612 Filed 11–17–09; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Emergency Review: Comment Request

November 12, 2009.

The Department of Labor has submitted the following information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35) and 5 CFR 1320.13. OMB approval has been requested by November 23, 2009. A

copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at <http://www.reginfo.gov/public/do/PRAMain> or by contacting Darrin King on 202–693–4129 (this is not a toll-free number)/e-mail: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov). Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—ETA, Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–5806 (these are not toll-free numbers), E-mail:

[OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov).

Comments and questions about the ICR listed below should be received 5 days prior to the requested OMB approval date.

The OMB is particularly interested in comments which:

- 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 agency’s 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 submissions of responses.

*Agency:* Employment and Training Administration.

*Title of Collection:* Jobs for America’s Job Seekers Challenge.

*OMB Control Number:* Pending.

*Frequency of Collection:* This is a one-time data collection.

*Affected Public:* State Workforce

Agencies, businesses, non-profit organizations, other State government entities, workforce investment boards, One Stop Career Center staff, and the public.

*Estimated Time per Respondent:* A maximum of 10 minutes per Phase One respondent, of whom 1,000 are estimated to respond. For Phase Two, a maximum of 10,000 respondents are estimated (crowdsourcing portion) at 10

minutes total for an estimated rating of two tools each.

*Total Estimated Number of*

*Respondents:* A maximum of 11,000 respondents are expected.

*Total Estimated Annualized Burden*

*Hours:* 1,833 hours.

*Total Estimated Annualized Cost*

*Burden:* \$0.

*Description:*

The U.S. Department of Labor's (DOL) Employment and Training Administration (ETA), in conjunction with the White House and IdeaScale, is launching the Jobs for America's Job Seekers Challenge. Using an online platform designed by IdeaScale, the Challenge will allow toolmakers and developers to present their free online job tools to workforce development experts and jobseekers for discussion, rating, and voting. The tools that receive the most votes will be shared broadly with the workforce investment system and jobseekers, and listed on government Web sites like <http://www.CareerOneStop.org>, <http://www.Workforce3One.org>, and <http://www.DOLETA.gov>. This is not an opportunity to apply for government funding and ETA will not make any funds available to any party pursuant to this announcement.

The Challenge will consist of three phases. Phase 1 will run from November 30, 2009 to December 18, 2009. In this phase, toolmakers and developers will submit information on their free online job search and job matching tools. These tools must be free to the job seeker, but can be licensed by the workforce system at the State or local level provided the companies offer a short-term demo or other platform that allows the tools to be reviewed free of charge. Submissions will be accepted from businesses, nonprofits organizations, entrepreneurs, and State and local workforce agencies. The tools will be organized into one or more of the following categories:

- General job boards, listing sites, and aggregators

- Niche job boards
- Career advancement tools
- Web based career exploration sites
- Web 2.0/social media sites

specializing in job searches or job postings

- Other job tools

Phase 2 will run from January 4 to January 15, 2010. During this phase, workforce development experts and job seekers will review and vote on the submitted job search and matching tools. Reviewers will be encouraged to consider a tool's usability based on how effective the tool is in providing accurate results, how efficient it is in completing job search and matching

tasks in a reasonable amount of time, and the level of satisfaction the user felt.

Phase 3 will begin on January 18, 2010. In this final phase, DOL, ETA, and the White House will communicate the top tools in each category with the entire workforce development community and job seekers through a variety of mediums, including:

(1) Posting an announcement of the top ranking tools on key Web sites including:

- a. DOL.gov
- b. Doleta.gov
- c. White House OSTP blog
- d. Workforce3one.org
- e. Other sites

(2) Highlighting free tools on ETA's <http://www.CareerOneStop.org> portal, which already houses a variety of tools for the workforce system;

(3) Hosting Webinars featuring the top ranking tools on Workforce3one.org;

(4) Utilizing other communication outlets such as national associations and Intergovernmental organizations like the National Association of State Workforce Agencies, the National Association of Workforce Boards, the National Governor's Association, the National Association of Counties, and the Association of Community Colleges.

As a result of the Challenge, the workforce development system will quickly boost its capacity to meet the job information needs of the significantly increased number of customers requiring service in the current economic recovery effort.

#### **Why Are We Requesting Emergency Processing?**

In today's tight employment market that has experienced a 10.2 percent unemployment rate that is the highest in 26 years, the publicly funded workforce investment system has a major responsibility to maximize unemployed workers' opportunities for rapid reemployment by quickly connecting them to the full scope of available jobs. We know the workforce system is working hard to connect workforce system customers to the best job search resources available. However, as a result of technological innovations, new job search tools have been launched and new tools are emerging daily that help job seekers find jobs and target their search to the most relevant employment opportunities.

Expedited or Emergency approval of this data collection will enable the Department of Labor (DOL), Employment and Training Administration (ETA), and the White House to respond aggressively to the record unemployment rates. Failure to start the Challenge and do the collection

by November 30, 2009 would waste federal Recovery Act and State resources. Many States and local areas are individually searching for job matching and job search solutions to meet the significantly increased number of job seekers in need of assistance in One Stop Career Centers nationwide as a result of the historic downturn in the nation's economy.

**Darrin A. King,**

*Departmental Clearance Officer.*

[FR Doc. E9-27697 Filed 11-17-09; 8:45 am]

**BILLING CODE 4510-FN-P**

## **DEPARTMENT OF LABOR**

### **Employment and Training Administration**

#### **Request for Certification of Compliance—Rural Industrialization Loan and Grant Program**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration is issuing this notice to announce the receipt of a "Certification of Non-Relocation and Market and Capacity Information Report" (Form 4279-2) for the following:

*Applicant/Location:* Custom Poultry Processing, LLC/West Union, Iowa.

*Principal Product/Purpose:* The loan, guarantee, or grant application is to enable a new business venture to acquire and alter an existing building for poultry processing and also purchase and install poultry processing equipment. The NAICS industry code for this enterprise is: 311615 Poultry Processing.

**DATES:** All interested parties may submit comments in writing no later than December 2, 2009. Copies of adverse comments received will be forwarded to the applicant noted above.

**ADDRESSES:** Address all comments concerning this notice to Anthony D. Dais, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room S-4231, Washington, DC 20210; or e-mail [Dais.Anthony@dol.gov](mailto:Dais.Anthony@dol.gov); or transmit via fax (202) 693-3015 (this is not a toll-free number).

**FOR FURTHER INFORMATION CONTACT:** Anthony D. Dais, at telephone number (202) 693-2784 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Section 188 of the Consolidated Farm and Rural