

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[LLNMA01000.L14300000.FR0000; NMNM 109078]

**Notice of Realty Action: Direct Sale of Public Lands in Santa Fe County, NM****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice of Realty Action.

**SUMMARY:** The Bureau of Land Management (BLM) has determined that 2.96 acres located in Santa Fe County, New Mexico, is suitable for direct sale to Edward Black pursuant to the Act of December 22, 1928, as amended, and an Interior Board of Land Appeals Settlement Agreement for the amount of \$10,000. The sale is to resolve a class 1 Color-of-Title claim and will not be offered for sale until 60 days after the publication of this Notice. This parcel is identified for disposal in the BLM Taos Resource Management Plan, dated October 1988, as amended.

**DATES:** Interested parties may submit written comments to the BLM at the address stated below. To ensure consideration in the environmental analysis of the proposed sale, comments must be received by the BLM no later than November 15, 2010.

**ADDRESSES:** Written comments regarding the proposed sale should be addressed to the BLM Field Manager, Rio Puerco Field Office, 435 Montaña Road, NE., Albuquerque, New Mexico 87107.

**FOR FURTHER INFORMATION CONTACT:** Arlene Salazar, Realty Specialist, at the address above or by telephone at (505) 761-8772.

**SUPPLEMENTARY INFORMATION:****New Mexico Principal Meridian**

T. 12 N., R. 7 E.,  
Fractional sec. 29, lot 10.

The area described contains 2.96 acres, more or less, in Santa Fe County.

Conveying title to the affected public land is consistent with BLM land-use planning. The land is not needed for other Federal purposes.

The patent, if and when issued, would be subject to the following terms, conditions, and reservations:

1. All minerals, including coal, will be reserved to the United States with the right to prospect for, mine, and remove the minerals;

2. A right-of-way for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945);

3. All mineral deposits in the land so patented, and to it, or persons

authorized by it, the right to prospect for, mine and remove such deposits from the same under applicable law.

4. All geothermal steam and associated geothermal resources as to the land so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such resources, upon compliance with the conditions and subject to the provisions and limitations of the Act of December 24, 1970, as amended (30 U.S.C. 1002);

5. Subject to those rights for a road easement granted to the United States of America for the full use as a road by the United States of America and its assigns, licenses, and permittees including the right of access and use for and by the people of the United States of America generally to lands owned, administered, or controlled by the United States of America, by right-of-way to the BLM, No. NMNM-121904, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761), as defined in the BLM Plat entitled "Dependent Resurvey and Survey," approved on April 24, 2008, by Jay M. Innes, Acting Chief, Cadastral Surveyor for New Mexico; and

6. An appropriate indemnification clause protecting the United States from claims arising out of the patentee's use, occupancy, or operations on the patented lands. Additional detailed information concerning this Notice of Realty Action, including environmental documents, is available for review at the address above.

On September 30, 2010, the land described above will be segregated from all other forms of appropriation under the public land laws, including the mining laws, except for conveyance under the Federal Land and Policy Management Act and leasing under the mineral leasing laws. Until completion of the sale, the BLM is no longer accepting land use applications affecting the identified public land, except applications for the amendment of previously filed rights-of-way applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15. The segregative effect will end upon issuance of a patent or other document of conveyance, publication in the **Federal Register** of a termination of the segregation, or 2 years from the date of publication of this Notice, whichever occurs first, unless extended by the BLM State Director in accordance with 43 CFR 2711.1-2(d) prior to the termination date.

Public comments regarding the proposed sale may be submitted in writing to the attention of the BLM Rio Puerco—Manager (*see ADDRESSES* above) on or before November 15, 2010.

Comments received in electronic form, such as e-mail or facsimile, will not be considered. Any adverse comments regarding the proposed sale will be reviewed by the BLM State Director or other authorized official of the Department, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of timely filed objections, this realty action will become the final determination of the Department of the Interior.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

**Authority:** 43 CFR 2711.1-2(a) and (c).

**Thomas E. Gow,**

*Field Manager, Rio Puerco Field Office.*

[FR Doc. 2010-24600 Filed 9-29-10; 8:45 am]

**BILLING CODE 4310-AG-P**

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-680]

**In the Matter of Certain Machine Vision Software, Machine Vision Systems, and Products Containing Same; Notice of Commission Decision To Review-In-Part A Final Initial Determination Finding No Violation of Section 337; Request for Written Submissions**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part a final initial determination ("ID") of the presiding administrative law judge ("ALJ") finding no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-2310. 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 July 16, 2009 based on a complaint filed on May 28, 2009, by Cognex Corporation of Natick, Massachusetts and Cognex Technology & Investment Corporation of Mountain View, California (collectively "complainants"). 74 FR 34589-90 (July 16, 2009). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 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 machine vision software, machine vision systems, or products containing same by reason of infringement of certain claims of U.S. Patent Nos. 7,016,539 ("the '539 patent"); 7,065,262 ("the '262 patent"); and 6,959,112 ("the '112 patent"). The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337.

*The complaint named numerous respondents including the following:* Multitest Elektronische Systems GmbH of Germany and Multitest Electronic Systems, Inc. of Santa Clara, California (collectively, "Multitest respondents"); Yxlon International GmbH of Germany and Yxlon International, Inc. of Mogadore, Ohio (collectively, "Yxlon respondents"); Amistar Automation, Inc. ("Amistar") of San Marcos, California; Techno Soft Systemnics, Inc. ("Techno Soft") of Japan; Fuji Machine Manufacturing Co., Ltd. of Japan and Fuji America Corporation of Vernon Hills, Illinois (collectively, "Fuji respondents"); E. Zoller GmbH & Co. KG of Germany and Zoller, Inc. of Ann Arbor, Michigan (collectively, "Zoller respondents"); IDS Imaging Development Systems GmbH of Germany and IDS Development Systems, Inc. of Woburn, Massachusetts (collectively, "IDS respondents"); Delta Design, Inc. ("Delta") of Poway, California; Subtechnique, Inc. ("Subtechnique") of Alexandria, Virginia; Rasco GmbH ("Rasco") of

Germany; MVTec Software GmbH of Germany and MVTec LLC of Cambridge, Massachusetts (collectively, "MVTech respondents"); Omron Corporation ("Omron") of Japan, Resolution Technology, Inc. ("Resolution") of Dublin, Ohio; Visics Corp. ("Visics") of Wellesley, Massachusetts; Daiichi Jitsugyo Viswill Co., Ltd. of Japan; and Daiichi Jitsugyo (America), Inc. of Wood Dale, Illinois (collectively, "Daiichi respondents").

On November 19, 2009, the Commission issued notice of its decisions not to review IDs terminating the investigation as to the Multitest respondents and the Yxlon respondents based on a consent order and settlement agreement. On February 16, 2010, the Commission issued notice of its decisions not to review IDs terminating the investigation as to Amistar based on a consent order and settlement agreement, and as to Techno Soft based on partial withdrawal of the complaint. On April 20, 2010, the Commission issued notice of its decision not to review an ID terminating the investigation as to the Fuji respondents based on a settlement agreement. On May 5, 2010, the Commission issued notice of its decisions not to review IDs terminating the investigation as to the Multitest respondents based on a consent order and settlement agreement, and as to the Zoller respondents, the IDS respondents, and Delta based on partial withdrawal of the complaint. On June 11, 2010, the Commission issued notice of its decision not to review an ID terminating the investigation as to Subtechnique based on a consent order. On June 18, 2010, the Commission issued notice of its decision not to review an ID terminating the investigation as to Rasco based on a consent order and settlement agreement (notice of rescission and issuance of revised order on July 6, 2010).

The respondents remaining in the investigation include: MVTec respondents, Omron, Resolution, Visics, and the Daiichi respondents.

On April 9, 2010, the Commission issued notice of its decision not to review an ID terminating the investigation as to the '112 patent on the basis of partial withdrawal of the complaint. On April 20, 2010, the Commission issued notice of its decision not to review an ID granting complainants' motion for summary determination on the economic prong of the domestic industry requirement with respect to the remaining asserted patents, the '539 and '262 patents. On May 18, 2010, the Commission issued notice of its decision not to review an ID granting complainants' motion for

summary determination that the importation element under Section 337(a)(1)(B) has been satisfied as to the MVTech respondents, Omron, and the Daiichi respondents.

On July 16, 2010, the ALJ issued his final ID finding no violation of section 337 by the remaining respondents. He concluded that each accused product did not infringe any asserted claim of the '539 or '262 patents. Also, he found that claims 1, 12, 13, 28, and 29 of the '262 patent are anticipated under 35 U.S.C. 102. Further, he found that all asserted claims of both patents are invalid, pursuant to 35 U.S.C. 101, for failure to claim patent-eligible subject matter. On August 2, 2010, complainants, respondents, and the Commission investigative attorney each filed a petition for review of the final ID. Each party filed responses to the other parties' petitions on August 10, 2010.

Upon considering the parties' filings and the record, the Commission has determined to review the final ID in part. Specifically, the Commission has determined to review the following: (1) Relating to the '539 patent, the ALJ's construction of the claim terms "test," "match score surface," and "gradient direction," all of his infringement findings except for the claim steps containing the limitations "locating local maxima" and "comparing the magnitude of each local maxima," and his invalidity and domestic industry findings; (2) the ALJ's finding that the '539 and '262 patents are invalid, pursuant to section 101, for failure to claim patent-eligible subject matter; and (3) the ALJ's findings concerning anticipation of claims 1, 12, 13, 28, and 29 of the '262 patent. The Commission has determined not to review the remainder of the ID.

On review, the parties are requested to submit briefing limited to the following issue:

How would adopting complainants' proposed construction for the claim terms "test," "match score surface," and "gradient direction" relating to the '539 patent affect the ID's infringement, domestic industry, and invalidity findings.

In addressing the issue, the parties are requested to make specific reference to the evidentiary record and to cite relevant authority. The written submissions must be filed no later than close of business on October 8, 2010. Reply submissions must be filed no later than the close of business on October 15. No further submissions on this issue will be permitted unless otherwise ordered by the Commission.

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(h) and 210.43 of the Commission's Rules of Practice and Procedure, 19 CFR 210.42(h), 210.43.

By order of the Commission.

Issued: September 24, 2010.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010-24565 Filed 9-29-10; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-686]

### In the Matter of Certain Bulk Welding Wire Containers and Components Thereof and Welding Wire; Notice of Commission Determination To Review-In-Part a Final Initial Determination and To Affirm the Finding of No Violation of Section 337; 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 to review a portion of the final initial determination ("ID") issued by the presiding administrative law judge ("ALJ") on July 29, 2010 finding no violation of section 337 in the above-captioned investigation, but to affirm his finding of no violation.

**FOR FURTHER INFORMATION CONTACT:** Jia Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-4737. 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 September 8, 2009, based on a

complaint filed by the Lincoln Electric Company of Cleveland, Ohio and Lincoln Global, Inc. of City of Industry, California (collectively, "Lincoln"). 74 FR 46223 (Sept. 8, 2009). The complaint alleged violations 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 bulk welding wire containers, components thereof, and welding wire by reason of infringement of certain claims of United States Patent Nos. 6,260,781; 6,648,141; 6,708,864 ("the '864 patent"); 6,913,145; 7,309,038; 7,398,881; and 7,410,111. *Id.* The amended complaint named the following respondents: Atlantic China Welding Consumables, Inc. of Sichuan, China ("Atlantic"); The ESAB Group, Inc. of Florence, South Carolina ("ESAB"); Hyundai Welding Co., Ltd. of Seoul, Korea ("Hyundai"); Kiswel Co., Ltd. of Seoul, Korea ("Kiswel"); and Sidergas SpA of Ambrogio (Verona), Italy ("Sidergas"). 74 FR 61706 (Nov. 25, 2009). Respondents Hyundai, Kiswel, and Atlantic were subsequently terminated from the investigation, leaving ESAB and Sidergas as the only respondents remaining. In addition, all but the '864 patent were terminated from this investigation.

On July 29, 2010, the ALJ issued a final ID finding no violation of Section 337 by respondents ESAB or Sidergas. The ALJ concluded that none of the accused ESAB and Sidergas products infringe asserted claims 3, 4, 6, 12, or 13 of the '864 patent. The ALJ further concluded that claim 3 of the '864 patent is invalid under 35 U.S.C. 102(b) and that claims 4, 6, 12, and 13 of the '864 patent are valid and enforceable. The ALJ did find that complainant satisfied both the technical and the economic prong of the domestic industry requirement with respect to the '864 patent. On August 11, 2010, Lincoln filed a petition for review. On the same day, respondents ESAB and Sidergas filed a consolidated petition for review. The IA did not file a petition for review.

Having examined the record of this investigation, including the ALJ's final ID and the submissions of the parties, the Commission has determined to affirm the ALJ's determination that there is no violation of Section 337. Specifically, the Commission has determined to affirm the ALJ's determination that there is no literal infringement of the asserted claims. The Commission has also determined to affirm the ALJ's determination that there is no infringement of the asserted claims under the doctrine of equivalents based on (1) the ALJ's finding that substantial

differences exist between the accused products and the asserted claims, and (2) the ALJ's application of *Johnson & Johnston Assoc. Inc. v. R.E. Services Co.*, 285 F.3d 1036 (Fed. Cir. 2002) (*en banc*). The Commission has determined to review the following four issues and to take no position on them: (1) The claim construction of the terms "substantially lying in a single plane" recited in independent claim 3 and "substantially in one plane" recited in independent claims 6 and 12; (2) the priority date of the asserted claims; (3) invalidity of claim 3 under 35 U.S.C. 102(b); and (4) validity of claims 4, 6, 12, and 13 under 35 U.S.C. 102(b). No other issues are being reviewed.

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 210.42-46 and 210.50 of the Commission's Rules of Practice and Procedure (19 C.F.R. 210.42-46 and 210.50).

By order of the Commission.

Issued: September 24, 2010.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010-24566 Filed 9-29-10; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2010-0040]

#### Concrete and Masonry Construction; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comment.

**SUMMARY:** OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Standard on Concrete and Masonry Construction (29 CFR part 1926, subpart Q).

**DATES:** Comments must be submitted (postmarked, sent, or received) by November 29, 2010.

**ADDRESSES:** *Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.