

**INTERNATIONAL TRADE  
COMMISSION**

[Investigation No. 337-TA-587]

**In the Matter of Certain Connecting  
Devices (“Quick Clamps”) for Use With  
Modular Compressed Air Conditioning  
Units, Including Filters, Regulators,  
and Lubricators (“FRL’s”) That Are Part  
of Larger Pneumatic Systems and the  
FRL Units They Connect; Notice of  
Commission Decision To Reverse an  
Initial Determination on Remando the  
Administrative Law Judge;  
Termination of the Investigation With a  
Determination of no Violation of  
Section 337 Because the Asserted  
Claims of the Asserted Patent Are  
Invalid for Obviousness****AGENCY:** U.S. International Trade  
Commission.**ACTION:** Notice.**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to reverse the initial determination on remand (“RID”) of the presiding administrative law judge (“ALJ”) and has terminated the investigation with a finding of no violation of section 337 of the Tariff Act of 1930 because the asserted claims of U.S. Patent No. 5,372,392 (“the ‘392 patent’”) are invalid for obviousness.**FOR FURTHER INFORMATION CONTACT:** Mark B. Rees, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3116. 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 November 13, 2006, based on a complaint filed by Norgren, Inc. (“Norgren”) of Littleton, Colorado. 71 FR 66193 (Nov. 13, 2006). An amended complaint was filed on October 25, 2006. A supplement to the complaint

was filed on November 1, 2006. The amended 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, or the sale within the United States after importation of certain devices for modular compressed air conditioning units and the FRL units they connect by reason of infringement of certain claims of the ‘392 patent. The amended complaint also alleged that a domestic industry exists with regard to the ‘392 patent under subsection (a)(2) of section 337. The amended complaint named SMC Corp. of Japan; SMC Corporation of America of Indianapolis, Indiana (collectively, “SMC”); AIRTAC of China; and MFD Pneumatics (“MFD”) of Chicago, Illinois as the respondents and requested a limited exclusion order and a cease and desist order. On July 13, 2007, the Commission determined not to review an ID terminating the investigation with respect to MFD and AIRTAC on the basis of a consent order stipulation and consent order.

On February 13, 2008, the ALJ issued his final ID finding no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Specifically, the ALJ found that there had been an importation of SMC’s accused products and that none of the accused products infringe the asserted claims of the ‘392 patent. He also found that the asserted claims are not invalid due to obviousness. He further found that Norgren satisfies the domestic industry requirement with respect to the ‘392 patent. On February 25, 2008, the ALJ issued a recommended determination on remedy and bonding in the event the Commission reversed his finding of no violation of section 337.

On April 18, 2008, the Commission determined not to review the ID and terminated the investigation based on the finding of no violation of section 337. 73 FR 21157 (Apr. 18, 2008). Norgren appealed to the U.S. Court of Appeals for the Federal Circuit (“the Court”).

On May 26, 2009, in an unpublished, non-precedential decision, the Court reversed in part the Commission’s claim construction, reversed the Commission’s determination of noninfringement based upon the new claim construction, and vacated the Commission’s determination of nonobviousness. *Norgren Inc. v. Int’l Trade Comm’n*, No. 2008-1415 (Fed. Cir. May 26, 2009), 2009 U.S. App. LEXIS 10984. The Court remanded the investigation with instructions for the Commission to evaluate obviousness in the first instance based upon the Court’s

construction of the claim term “generally rectangular ported flange.”

Following receipt of the Court’s September 9, 2009, mandate, the Commission ordered the investigation remanded to the Chief ALJ for designation of a presiding ALJ to conduct proceedings in accordance with the Court’s judgment. The Chief Judge reassigned the investigation to the ALJ who presided over the original investigation. The ALJ held an evidentiary hearing on April 21, 2010, at which all parties were represented. The parties also fully briefed the merits.

On August 5, 2010, the ALJ issued the RID in which he determined that the asserted claims are not invalid as obvious. SMC and the Commission investigative attorney (“IA”) petitioned for review of the ID. Norgren filed a response in opposition to the petitions. On October 7, 2010, the Commission determined to review the RID on the issue of obviousness. The Commission also requested further briefing. 75 FR 63198 (Oct. 14, 2010). The parties have responded to the notice of review, fully briefing obviousness as well as the issues of remedy, the public interest, and bonding.

Upon its review of the issue of obviousness, and based upon the administrative record in this investigation, including the RID, original ID, exhibits, transcripts, and party arguments, the Commission has determined to reverse the ALJ’s finding that the asserted claims of the ‘392 patent are nonobvious, find no violation of section 337 because the claims are invalid as obvious, and terminate the investigation with a finding of no violation.

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 210.45(c) of the Commission’s Rules of Practice and Procedure (19 CFR 210.45(c)).

By order of the Commission.

Issued: March 8, 2011.

**James R. Holbein,***Acting Secretary to the Commission.*

[FR Doc. 2011-5841 Filed 3-11-11; 8:45 am]

**BILLING CODE 7020-02-P****DEPARTMENT OF JUSTICE****United States Parole Commission****Record of Vote of Meeting Closure;  
(Pub. L. 94-409) (5 U.S.C. 552b)**

I, Isaac Fulwood, of the United States Parole Commission, was present at a

meeting of said Commission, which started at approximately 10 a.m., on Thursday, February 17, 2011, at the U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815. The purpose of the meeting was to discuss an original jurisdiction case pursuant to 28 CFR 2.17. Four Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certifications of the General Counsel that this meeting may be closed by votes of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: Isaac Fulwood, Cranston J. Mitchell, Patricia Cushwa and J. Patricia Wilson Smoot.

*In witness whereof*, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: February 18, 2011.

**Isaac Fulwood,**

*Chairman, U.S. Parole Commission.*

[FR Doc. 2011-5590 Filed 3-11-11; 8:45 am]

**BILLING CODE 4410-31-M**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-73,934]

#### **Pass & Seymour/Legrand a Subsidiary of Legrand North America; Including On-Site Leased Workers From Select Staffing, also Known as Real Time Staffing Services, and Aerotek; Concord, NC; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 27, 2010, applicable to workers of Pass & Seymour/Legrand, a subsidiary of Legrand North America, including on-site leased workers from Select Staffing and Aerotek, Concord, North Carolina. The workers manufacture electrical wiring devices. The notice was published in the **Federal Register** on June 16, 2010 (75 FR 34174).

At the request of a State agency, the Department reviewed the certification for workers of the subject firm. The company reports that Select Staffing, an

on-site leased firm, is also known as Real Time Staffing Services. Select Staffing employees separated from employment at the Concord, North Carolina location of the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Select Staffing, also known as Real Time Staffing Services.

Accordingly, the Department is amending this certification to properly reflect this matter.

The amended notice applicable to TA-W-73,934 is hereby issued as follows:

All workers of Pass & Seymour/Legrand, a subsidiary of Legrand North America, including on-site leased workers from Select Staffing, also known as Real Time Staffing Services, and Aerotek, Concord, North Carolina, who became totally or partially separated from employment on or after June 14, 2010, through May 27, 2012, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC, this 3rd day of March 2011.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 2011-5656 Filed 3-11-11; 8:45 am]

**BILLING CODE 4510-FN-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-74,466, TA-W-74,466K]

#### **Hewlett Packard Company, Enterprise Business Division, Technical Services America, Global Parts Supply Chain Group, Including Leased Workers From QFlex, North America Logistics, and UPS, Headquartered in Palo Alto, CA, Teleworkers Across California and Workers On-Site in Roseville, CA; and Hewlett Packard Company, Enterprise Business Division, Technical Services America, Global Parts Supply Chain Group, Including Leased Workers From QFlex, North America Logistics, and UPS, All Other Teleworkers Across the United States; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with Section 223 of the Trade Act of 1974, as amended ("Act"), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 10, 2010, applicable to workers of Hewlett

Packard Company, Enterprise Business Division, Technical Services America, Global Parts Supply Chain Group, including leased workers from QFlex, North America Logistics, and UPS, Palo Alto, California. The Department's Notice was published in the **Federal Register** on September 23, 2010 (75 FR 57982). The Notice was amended on November 12, 2010 and February 10, 2011 to include teleworkers across many states. The Department's Notices of amended certification were published in the **Federal Register** November 23, 2010 (75 FR 71457-71458) and February 24, 2011 (76 FR 10394-10395).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged employment related to the supply of design services and sales compensation operations for Hewlett Packard Company.

New findings show that worker separations occurred during the relevant time period involving employees of Hewlett Packard, Enterprise Business Division, Technical Services America, Global Parts Supply Chain Group, working off-site across the United States. These workers meet the criteria under Section 222(a) of the Act.

Based on these findings, the Department is amending this certification to include workers of the Palo Alto, California facility of the subject firm working off-site across the United States.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by Hewlett Packard's decision to shift the supply of like or directly competitive services to foreign countries.

The amended notice, applicable to TA-W-74,466, is hereby issued as follows:

All workers of Hewlett Packard Company, Enterprise Business Division, Technical Services America, Global Parts Supply Chain Group, including leased workers from QFlex, North America Logistics, and UPS, Palo Alto, California, including teleworkers across California and workers on-site in Roseville, California (TA-W-74,466); teleworkers across Arizona (TA-W-74,466A); teleworkers across Florida (TA-W-74,466B); teleworkers across Massachusetts and workers on-site in Andover, Massachusetts (TA-W-74,466C); workers on-site in Minnetonka, Minnesota (TA-W-74,466D); teleworkers across New Hampshire (TA-W-74,466E); teleworkers across New York (TA-W-74,466F); workers on-site in Charlotte, North Carolina (TA-W-74,466G); teleworkers across Ohio (TA-W-74,466H); teleworkers across Texas and workers on-site in Houston, Texas (TA-W-74,466I); and teleworkers across Maine (TA-W-74,466J); and all other teleworkers across the United States (TA-W-74,466K), who