

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-818]

### Certain Devices With Secure Communication Capabilities, Components Thereof, and Products Containing the Same Decision Not To Review an Initial Determination Terminating the Investigation Due To Lack of Standing and Order No. 14 Denying Complainant's Renewed Motion To Amend the Complaint and Notice of Investigation; 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 an initial determination ("ID") (Order No. 15) of the presiding administrative law judge ("ALJ") terminating the above-captioned investigation due to lack of standing of complainant VirnetX, Inc. ("VirnetX") of Zephyr Cove, Nevada. The Commission has also determined not to review the ALJ's Order No. 14 denying complainant's renewed motion to amend the complaint and notice of investigation to add Science Applications International Corporation ("SAIC") as a complainant. The Commission has terminated the 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 December 7, 2011, based on a complaint filed by VirnetX. 76 FR

76435-36. The complaint alleges a violation 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 devices with secure communication capabilities, components thereof, and products containing the same by reason of infringement of certain claims of U.S. Patent No. 8,051,181 ("the '181 patent"). The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named Apple Inc. ("Apple") of Cupertino, California as the sole respondent. No Commission investigative attorney is participating in this investigation.

On April 30, 2012, Apple moved to terminate the investigation based on VirnetX's lack of standing pursuant to Commission rule 210.21(a)(1). VirnetX filed an opposition to the motion.

The ALJ issued the subject ID on July 18, 2012, granting Apple's motion for termination of the investigation. He found that VirnetX does not possess all substantial rights in the '181 patent, and therefore lacks standing to assert the patent in this investigation. On the same date, the ALJ issued Order No. 14 denying VirnetX's renewed motion to amend the complaint and notice of investigation to add SAIC as a complainant. VirnetX petitioned for review of the ALJ's ID and Order No. 14 on July 27, 2012, and Apple filed a response in opposition on August 3, 2012.

Having reviewed the record including the parties' briefing, the Commission has determined not to review the ALJ's ID or Order No. 14, 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 in sections 210.21 and 210.42(h) of the Commission's Rules of Practice and Procedure, 19 CFR 210.21, 210.42(h).

Issued: August 20, 2012.  
By order of the Commission.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2012-20803 Filed 8-23-12; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with 28 CFR 50.7, notice is hereby given that on August 20, 2012, a Consent Decree in *United States v. Exxon Mobil Corporation, et al.*, C.A. No. 1-08-cv-124-IMK (N.D. W.Va.) was lodged with the United States District Court for the Northern District of West Virginia. The Consent Decree resolves the United States' claims, pursuant to Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607(a), against Exxon Mobil Corporation, Vertellus Specialties Inc. and CBS Corporation related to the Big John's Salvage Site ("Site"), located in Fairmont, West Virginia. The State of West Virginia is a signatory to the Consent Decree. The BJS Site became contaminated with various hazardous substances as the result of the operations and related waste disposal practices of a coal refinery that operated there between approximately 1933 and 1973, and a scrap and salvage facility that operated there from 1973 to the early 1980s. Under the Consent Decree, the three settling parties will pay a portion of the United States' response costs in the amount of \$11 million, perform/finance the removal activities selected by the Environmental Protection Agency in its Action Memorandum issued on September 30, 2010, and pay EPA's and the State's future response costs, as defined in the Consent Decree.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to [pubcomment-ees.enrd@usdoj.gov](mailto: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. Exxon Mobil Corporation, et al.*, Department of Justice No. 90-11-3-08499.

During the comment period, the proposed Consent Decree, with Appendices A-H, may be examined on the following Department of Justice Web site, [http://www.usdoj/enrd/Consent\\_Decrees.html](http://www.usdoj/enrd/Consent_Decrees.html). A copy of the Consent Decree may also be obtained from the Consent Decree Library, P.O. Box 7611,