

August 13, 2010 consent order (“Consent Order”) by respondent uPI Semiconductor Corp. (“uPI”) of Hsinchu, Taiwan, and has issued a modified consent order and civil penalty order in the amount of \$620,000 directed against uPI.

FOR FURTHER INFORMATION CONTACT:

Clint A. 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 all nonconfidential 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 the matter can be obtained by contacting the Commission’s TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this enforcement proceeding on September 6, 2011, based on an enforcement complaint filed by Richtek Technology Corp. of Hsinchu, Taiwan and Richtek USA, Inc. of San Jose, California (collectively “Richtek”). 76 FR 55109-10. The complaint alleged violations of the August 13, 2010 consent orders issued in the underlying investigation by the continued practice of prohibited activities such as importing, offering for sale, and selling for importation into the United States DC-DC controllers or products containing the same that infringe one or more of U.S. Patent Nos. 7,315,190 (“the ’190 patent”); 6,414,470 (“the ’470 patent”); and 7,132,717 (“the ’717 patent”); or that contain or use Richtek’s asserted trade secrets. The Commission’s notice of institution of enforcement proceedings named uPI and Sapphire Technology Limited (“Sapphire”) of Shatin, Hong Kong as respondents.

On April 11, 2012, the Commission issued notice of its determination not to review the ALJ’s ID terminating the investigation as to Sapphire based on a settlement agreement.

On June 8, 2012, the ALJ issued his EID finding a violation of the Consent Order by uPI. He found importation and sale of accused products that infringe all asserted claims of the patents at issue,

and importation and sale of formerly accused products that contain or use Richtek’s asserted trade secrets. He found that uPI’s products developed after the consent order issued did not misappropriate Richtek’s asserted trade secrets. Also, he recommended enforcement measures for uPI’s violation that included the following: (1) Modifying the Consent Order to clarify that the Order applies (and has always applied) to all uPI affiliates, past, present, or future; and (2) imposing a civil penalty of \$750,000 against uPI. On June 25, 2012, uPI and Richtek each filed a petition for review of the EID; on July 3, 2012, Richtek, uPI, and the Commission investigative attorney (“IA”) each filed a response to the opposing party’s petition.

On August 9, 2012, the Commission issued notice of its determination to review the following: (1) The ALJ’s finding of infringement of the ’470 patent; (2) the ALJ’s finding of infringement of the ’190 patent; and (3) the ALJ’s determination that uPI violated the Consent Order on 75 days. 77 FR 49022-23 (Aug. 15, 2012). The determinations made in the EID that were not reviewed became final determinations of the Commission by operation of rule. See 19 CFR 210.75(b)(3). The Commission also requested the parties to respond to certain questions concerning the issues under review and requested written submissions on the issues of remedy, the public interest, and bonding from the parties and interested non-parties.

On August 23 and 30, 2012, respectively, complainant Richtek, respondent uPI, and the IA each filed a brief and a reply brief on the issues for which the Commission requested written submissions.

Having reviewed the record in this investigation, including the EID and the parties’ written submissions, the Commission has determined to affirm-in-part, reverse-in-part, modify-in-part, and vacate-in-part the EID’s findings under review. Specifically, the Commission has affirmed the ALJ’s finding that uPI violated the consent order, and determined that the number of violation days is 62 days. The Commission has also affirmed the ALJ’s finding of direct infringement of claims 1-11 and 26-27 of the ’190 patent with respect to uPI’s formerly accused products. In addition, the Commission has vacated the ALJ’s finding that uPI does not induce infringement of claims 1-11 and 26-27 of the ’190 patent.

The Commission has also determined to reverse the ALJ’s finding that claims 29 and 34 of the ’470 patent are directly infringed by respondent uPI’s accused

DC-DC controllers and products containing the same, and has determined that Richtek waived any allegations of indirect infringement with respect to the ’470 patent. This action results in a finding of no violation of the Consent Order with respect to the ’470 patent.

Further, the Commission has vacated as moot the portion of the EID relating to the ’717 patent because the asserted claims 1-3 and 6-9 have been cancelled following issuance of Ex Parte Reexamination Certificate No. U.S. 7,132,717 C1 on October 3, 2012.

Further, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined to impose a civil penalty of \$620,000 on respondent uPI for violation of the Consent Order on 62 days. The Commission has also determined to modify the Consent Order to clarify that the consent order applies (and has always applied) to all uPI affiliates, past, present, or future. Further, the Commission has modified the Consent Order to remove the portions relating to the ’717 patent based on issuance of the reexamination certificate.

The Commission has terminated the enforcement proceeding. 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 210.75 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.75.

Issued: November 14, 2012.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2012-28101 Filed 11-16-12; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On November 13, 2012, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Iowa, Davenport, in the lawsuit entitled *United States v. Roquette America, Inc.*, Civil Action No. 3:12-cv-00131-JEG-RAW.

The Consent Decree resolves the United States’ complaint for civil penalties and injunctive relief against Roquette America, Inc., associated with its corn-milling facility in Keokuk, Iowa, pursuant to sections 309(b) and (d) of the Clean Water Act for violations of

RAI's National Pollutant Discharge Elimination System permits under sections 301 and 402 of the CWA. Under this settlement RAI will pay a civil penalty of \$4.1 million and perform injunctive relief upgrading various portions of the facility. The estimated cost of the injunctive relief exceeds \$17 million.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Roquette America, Inc.* D.J. Ref. No. 90-5-1-1-10177. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted by either email or mail:

To submit comments:	Send them to:
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Consent Decree may be examined and downloaded for free at the following Department of Justice Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611.

Please enclose a check or money order for \$10.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert E. Maher, Jr.,

Acting Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2012-27982 Filed 11-16-12; 8:45 am]

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DEPARTMENT OF JUSTICE

National Institute of Corrections

Advisory Board Meeting

TIME AND DATE: 8:00 a.m.–4:30 p.m. on Monday, December 10, 2012, 8:00 a.m.–12:00 p.m. on Tuesday, December 11, 2012.

PLACE: Federal Bureau of Prisons, 500 First Street NW., Washington, DC 20534, (202) 514-4222.

MATTERS TO BE CONSIDERED: Directors Report; review of outcomes of August 22–23, 2012 Advisory Board Hearing (Balancing Fiscal Challenges, Performance Based Budgeting, and Public Safety), presentations, future planning.

CONTACT PERSON FOR MORE INFORMATION: Shaina Vanek, Executive Assistant, (202) 514-4222.

Morris L. Thigpen, Sr.,

Director, National Institute of Corrections.

[FR Doc. 2012-27933 Filed 11-16-12; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Comment Request for Information Collection on the ETA 218, Benefit Rights and Experience Report, Extension Without Revisions

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)]. This program helps ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, ETA is soliciting comments concerning the collection of data on the ETA 218, Benefit Rights and Experience Report, which expires June 30, 2013.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before January 18, 2013.

ADDRESSES: Submit written comments to Scott Gibbons, Office of Unemployment Insurance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202-693-3008 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal

Information Relay Service at 1-877-889-5627 (TTY/TDD). Email: gibbons.scott@dol.gov. A copy of the proposed information collection request (ICR) can be obtained by contacting Mr. Gibbons.

SUPPLEMENTARY INFORMATION:

I. Background

Attachment to the labor force, usually measured as amount of past wages earned, is used to determine eligibility for state unemployment compensation programs. The data in the ETA 218, Benefit Rights and Experience Report, includes numbers of individuals who were and were not monetarily eligible, those eligible for the maximum benefits, those eligible based on classification by potential duration categories, and those exhausting their full entitlement as classified by actual duration categories. These data are used by the National Office in solvency studies, cost estimating and modeling, and assessment of state benefit formulas.

II. Review Focus

The Department 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.

III. Current Actions

Type of Review: Extension without changes.

Title: Benefit Rights and Experience Report.

OMB Number: 1205-0177.

Affected Public: State Workforce Agencies.

Total Annual Burden Cost for Respondents: There is no burden cost for respondents.