

independently sold Wii MotionPlus and Nunchuck accessories contributorily infringe the asserted claim of the '917 and '742 patents; (c) anticipation and obviousness with respect to the asserted claim of the '917 patent; (d) obviousness with respect to the asserted claim of the '742 patent; and (e) whether CK has satisfied the technical prong of the domestic industry requirement with respect to the '917 and '742 patents, and if necessary, whether CK has satisfied the economic prong of the domestic industry requirement with respect to the '917 and '742 patent in light of the ALJ's technical prong determination.

On May 7, 2013, the ALJ issued a remand ID finding no violation of section 337. The ALJ found that (i) Respondents do not infringe claim 7 of the '917 patent; (ii) respondents do not contribute to the infringement of claim 24 of the '742 patent; (iii) the asserted claim of the '917 patent is not invalid for anticipation; (iv) the asserted claim of the '917 patent is not invalid for obviousness; (v) the asserted claim of the '742 patent is not invalid for obviousness; (vi) complainant has satisfied the technical prong of the domestic industry requirement for the '917 patent; and (vii) complainant has satisfied the technical prong of the domestic industry requirement for the '742 patent. The ALJ determined that it was unnecessary to revisit his previous finding in his final ID that complainant has not satisfied the economic prong of the domestic industry requirement for the '742 and '917 patents.

On July 8, 2013, the Commission determined to review the following issues from the remand ID: (1) Whether the accused products directly infringe the asserted claim of the '917 patent; (2) whether the independently sold Wii MotionPlus and Nunchuck accessories contributorily infringe the asserted claim of the '742 patent; (3) non-obviousness of the asserted claim of the '742 patent; and (4) whether the technical prong of the domestic industry requirement is met with respect to the '917 and '742 patents. The Commission noted that the following issues from the final ID are currently under review: (a) Whether the accused products directly infringe the asserted claim of the '742 patent; (b) validity of the asserted claims of the '917 and '742 patent under the enablement requirement; (c) validity of the asserted claims of the '917 and '742 patent under the written description requirement; and (d) whether the economic prong of the domestic industry requirement is met with respect to the '917 and '742 patents.

Having examined the record of this investigation, including the ALJ's final

ID, remand ID, and the submissions of the parties, the Commission has determined to affirm, with modifications, the ALJ's finding of no violation of Section 337. Specifically, the Commission has determined to affirm, with modifications, the ALJ's finding that claim 7 of the '917 patent and claim 24 of the '742 patent are invalid for lack of enablement and for lack of written description, and that complainant has not shown that the domestic industry requirement is met with respect to the '917 and '742 patents. The Commission has determined that complainant has not shown that the accused products directly infringe claim 7 of the '917 patent because they do not meet the limitation "command," and that complainant has not shown that the accused products directly infringe claim 24 of the '742 patent because they do not meet the limitation "activate or control." The Commission has also determined that complainant has not shown that the independently sold Wii MotionPlus and Nunchuck accessories contributorily infringe claim 24 of the '742 patent. Lastly, the Commission has determined that respondent has not shown that claim 24 of the '742 patent is obvious.

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 CFR 210.42–46 and 210.50).

By order of the Commission.

Issued: September 12, 2013.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2013–22643 Filed 9–17–13; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Stonybrook Land, LLC*, Civil Action No. 1:13–CV–1119 (TJM/RFT), was lodged with the United States District Court for the Northern District of New York on September 10, 2013.

This proposed Consent Decree concerns a complaint filed by the United States against Defendant Stonybrook Land, LLC, pursuant to Clean Water Act Section 404(s), 33 U.S.C. 1344(s), to obtain injunctive

relief from and impose civil penalties against the Defendant for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendant to perform mitigation and to pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Assistant United States Attorney Adam J. Katz, James T. Foley Courthouse, 445 Broadway, Room 218, Albany, NY 12207, and refer to *United States v. Stonybrook Land, LLC*, USAO # 2010V00052.

The proposed Consent Decree may be examined at the Clerk's Office of the United States District Court for the Northern District of New York, James T. Foley Courthouse, 445 Broadway, Suite 509, Albany, NY 12207. In addition, the proposed Consent Decree may be examined electronically at [http://www.justice.gov/enrd/Consent\\_Decrees.html](http://www.justice.gov/enrd/Consent_Decrees.html).

**Cherie L. Rogers,**

*Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.*

[FR Doc. 2013–22635 Filed 9–17–13; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–NEW]

### Agency Information Collection Activities; Proposed Collection; Comments Requested: Request for ATF Background Investigation Information

**ACTION:** 60-Day Notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until November 18, 2013. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or

associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Renee Reid, Chief Personnel Security Branch at [Renee.Reid@atf.gov](mailto:Renee.Reid@atf.gov).

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- 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 submission of responses.

#### Summary of Information Collection

(1) *Type of Information Collection:* New collection of information.

(2) *Title of the Form/Collection:* Request for ATF Background Investigation Information.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 8620.65; Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Other: Federal Government.

#### Need for Collection

This form is necessary to maintain a record of another agency's official request for an individual's background investigation record. The documented request will assist ATF in ensuring that unauthorized disclosures of information do not occur.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 300 respondents will complete a 5 minute form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 25 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W-1407B, Washington, DC 20530.

Dated: September 12, 2013.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2013-22618 Filed 9-17-13; 8:45 am]

**BILLING CODE 4410-FY-P**

## DEPARTMENT OF LABOR

### Office of Workers' Compensation Programs

#### Division of Longshore and Harbor Workers' Compensation Proposed Revision of Existing Collection; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general 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 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to 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, the Office of Workers' Compensation Programs (OWCP) is soliciting comments concerning the proposed collection: Regulations Governing the Administration of the Longshore and Harbor Workers' Compensation Act (LS-200, LS-201, LS-203, LS-204, LS-262, LS-267, LS-271, LS-274, and LS-513). A copy of the proposed information collection request can be obtained by contacting the office listed below in the address section of this Notice.

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

**ADDRESSES:** Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0701, fax (202) 693-1447, Email [ferguson.yoon@dol.gov](mailto:ferguson.yoon@dol.gov). Please use only one method of transmission for comments (mail, fax, or Email).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Longshore and Harbor Workers' Compensation Act (LHWCA). LHWCA provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel. In addition, several Acts extend the Longshore Act's benefits and procedures to certain other employees. The information collections in this package are necessary for proper administration of the provisions of the LHWCA and its extensions. This information collection is currently approved for use through August 31, 2015. However, one of the forms in this package, the LS-513 (Report of Payments), is now being modified slightly to include the collection of additional data which has caused a change in burden. The LS-513 is used by insurance carriers and self-insured employers to annually report the total amount of payments made under the LHWCA and its extensions. The modifications to the LS-513 will affect only those few carriers and self-insured employers making payments under the Defense Base Act (DBA), one of the LHWCA's extensions. These entities will now be required to report their DBA payments by contracting agency (*i.e.*, the government agency with which the injured worker's employer contracted) on the form. OWCP needs this information to better cross-reference the information submitted on the LS-202 (Employer's First Report of Injury or Occupational Illness) and to adequately monitor DBA claims processing and compliance. OWCP estimates that the LS-513 modification will increase total burden for the form by only 5 hours. While respondents who do not currently capture the contracting-agency data in a way that can be easily retrieved and reported may incur additional costs to adapt their information technology systems to this reporting requirement, these costs will be limited to the first year. OWCP estimates the additional first-year cost to be \$769.40 per respondent.