

Illinois (collectively, "Neptun"). 77 *FR* 11587 (Feb. 27, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended 19 U.S.C. 1337. More specifically, the complaint alleged that the importation into the United States, the sale for importation, and the sale within the United States after importation of certain dimmable compact fluorescent lamps ("CFLs") and products containing the same infringe, *inter alia*, claim 9 of United States Patent No. 5,434,480 ("the '480 patent"). The complaint named numerous respondents, including MaxLite, Inc. of Fairfield, New Jersey ("MaxLite"). On July 25, 2012, the Commission terminated the investigation with respect to MaxLite and entered a consent order preventing MaxLite from importing dimmable CFLs that infringe claim 9 of the '480 patent.

On February 6, 2013, MaxLite petitioned the Commission under Commission Rule 210.76 for modification of the consent order on the basis of certain district court proceedings regarding a covenant not to sue. On February 18, 2013, complainants filed a complaint requesting that the Commission institute a formal enforcement proceeding under Commission Rule 210.75(b) to investigate a violation of the consent order.

On April 12, 2013, the Commission determined to institute consolidated formal enforcement and modification proceedings to determine whether MaxLite is in violation of the July 25, 2012 consent order issued in the investigation; what, if any, enforcement measures are appropriate; and whether to modify the consent order. 78 *FR* 24233 (Apr. 24, 2013).

On January 10, 2014, the ALJ issued the EID in the combined enforcement and modification proceeding. Prior to the hearing, MaxLite effectively withdrew its request for modification. EID at 52. The ALJ therefore found MaxLite's modification request to be "moot" in view of "the parties' agreed interpretation of the Consent Order." *Id.* The EID in all other respects dealt entirely with Neptun's enforcement complaint. At issue for enforcement of the consent order were two accused types of products: certain CFL bulbs ("CFL bulbs"); and "dimmable CFL Faux Cans" ("Faux Cans").

The ALJ found that the CFL bulbs infringe claim 9 of the '480 patent. The ALJ also found that Neptun had not demonstrated infringement by the Faux Cans.

On January 23, 2014, Neptun filed a petition for review regarding claim construction and noninfringement by

the Faux Cans. On January 30, 2014, MaxLite and the Commission investigative attorney ("IA") filed oppositions to Neptun's petition.

On February 26, 2014, the Commission determined to review the enforcement ID. The Commission notice requested briefing on certain patent-related issues and on assessment of the civil penalty. 79 *FR* 12221, 12222 (Mar. 4, 2014).

Having examined the record of this investigation, including the ALJ's final EID, the petitions for review and responses thereto, and the parties' briefing in response to the Commission notice of review, the Commission has determined to affirm-in-part and reverse-in-part the EID. In particular, the Commission reverses the ALJ's finding that claim 9 has a "bi-directionality" requirement imposed by disavowal in the patent specification. The Commission likewise reverses that portion of the noninfringement determination regarding the Faux Cans predicated on that claim construction. The Commission affirms the ALJ's determination that Neptun failed to demonstrate infringement even absent such a "bi-directionality" requirement. EID at 45-51.

Further, the Commission has made its determination on the issues of remedy and the public interest. The Commission has determined to impose a civil penalty of \$10,000 on MaxLite for violation of the consent order as to the accused CFL bulbs. A Commission opinion is forthcoming.

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 Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

#### Order

On April 12, 2013, the Commission determined to institute consolidated formal enforcement and modification proceedings to determine whether MaxLite, Inc. of Fairfield, New Jersey ("MaxLite") is in violation of the July 25, 2012 consent order issued in the underlying investigation; what, if any, enforcement measures are appropriate; and whether to modify the consent order. 78 *FR* 24233 (Apr. 24, 2013). The matter was delegated to a presiding administrative law judge ("ALJ") for issuance of an enforcement ID ("EID") in the combined enforcement and modification proceeding. On January 10, 2014, the ALJ issued the EID.

Having reviewed the record in this investigation, including the EID and the

parties' written submissions, the Commission has found a violation of the consent order by MaxLite. The Commission hereby *orders that*—

1. Respondent MaxLite shall forfeit and pay to the United States a civil penalty in the amount of \$10,000. MaxLite and its affiliated companies, including but not limited to its parents, subsidiaries, affiliates and related companies, and successors or assigns shall have joint and several liability for the payment of this civil penalty.

2. The Secretary shall:

(a) serve copies of this Order and supporting Opinion upon each party of record in this enforcement proceeding; and

(b) publish notice of this Order in the **Federal Register**.

By order of the Commission.

Issued: April 10, 2014.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2014-08580 Filed 4-15-14; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-894]

### **Certain Tires and Products Containing Same; Commission Determination Not To Review an Initial Determination Terminating the Investigation as to Shandong Hengyu Science & Technology Co., Ltd., the Sole Remaining Respondent, Based on a Settlement Agreement; Request for Written Submissions on Remedy, the Public Interest, and Bonding**

**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. 40) of the presiding administrative law judge ("ALJ") terminating the investigation as to the last remaining respondent in this investigation, Shandong Hengyu Science & Technology Co., Ltd., based on a settlement agreement. Several respondents were found in default during the course of the investigation, and the Commission requests written submissions on remedy, the public interest and bonding as to the defaulting respondents.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW.,

Washington, DC 20436, telephone (202) 205-3115. 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 under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on September 20, 2013, based on a complaint filed by Toyo Tire & Rubber Co., Ltd. of Japan; Toyo Tire Holdings of Americas Inc. of Cypress, California; Toyo Tire U.S.A. Corp. of Cypress, California; Nitto Tire U.S.A. Inc. of Cypress, California; and Toyo Tire North America Manufacturing Inc. of White, Georgia (collectively, "Toyo"). The complaint, as supplemented, alleges violation of section 337 by reason of infringement of certain claims of U.S. Design Patent Nos. D487,424; D610,975; D610,976; D610,977; D615,031; D626,913; D458,214; and D653,200 by numerous respondents. 78 FR 57882-83 (Sept. 20, 2013). Subsequently, the complaint and notice of investigation were amended to add Shandong Hengyu Science & Technology Co., Ltd. ("Shandong Hengyu") as respondent. Several respondents were terminated from the investigation based on settlement agreements and consent orders.

On February 27, 2014, complainants Toyo moved to terminate the investigation as to respondent Shandong Hengyu based on a settlement agreement. On March 10, 2014, the Commission investigative attorney filed its response in support of Toyo's motion.

On March 14, 2014, the ALJ issued an ID (Order No. 40) granting the motion. The ALJ found that termination of the investigation as to Shandong Hengyu based on settlement does not impose any undue burden on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States

consumers. No party petitioned for review of ALJ Order No. 40, and the Commission has determined not to review it.

Shandong Hengyu is the sole remaining respondent in this investigation. Previously, the following respondents were found in default: (1) WestKY Customs, LLC—by ALJ Order No. 17 (Dec. 5, 2013), *not reviewed* December 27, 2013; (2) Tire & Wheel Master, Inc.—by ALJ Order No. 17 (Dec. 5, 2013), *not reviewed* December 27, 2013; (3) Vittore Wheel & Tire—by ALJ Order No. 17 (Dec. 5, 2013), *not reviewed* December 27, 2013; (4) RTM Wheel & Tire—by ALJ Order No. 17 (Dec. 5, 2013), *not reviewed* December 27, 2013; (5) Turbo Wholesale Tires, Inc.—by ALJ Order No. 30 (Feb. 3, 2014), *not reviewed* March 6, 2014; (6) Lexani Tires—by ALJ Order No. 30 (Feb. 3, 2014), *not reviewed* March 6, 2014; (7) WTD Inc.—by ALJ Order No. 30 (Feb. 3, 2014), *not reviewed* March 6, 2014; and (8) Simple Tire—by ALJ Order No. 34 (Feb. 18, 2014), *not reviewed* March 20, 2014. Section 337(g)(1) and Commission Rule 210.16(c) authorize the Commission to order relief against respondents found in default, unless, after considering the public interest, it finds that such relief should not issue.

In connection with the final disposition of this investigation, the Commission may: (1) Issue an order that could result in the exclusion of articles manufactured or imported by the defaulting respondents; and/or (2) issue a cease and desist order that could result in the defaulting respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors that the Commission will consider include the effect that the exclusion order and/or cease and desists orders would have on (1) the public health and welfare, (2)

competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

**Written Submissions:** Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is also requested to state the HTSUS numbers under which the accused products are imported and the expiration dates of the asserted patents.

Written submissions must be filed no later than close of business on April 25, 2014. Reply submissions must be filed not later than the close of business on May 2, 2014. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadline stated above and submit eight true paper copies to the Office of the Secretary pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-894") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, [http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf)). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in

confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted nonconfidential version of the document must also be filed simultaneously with any confidential filing. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

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 Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

Issued: April 10, 2014.

By order of the Commission.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2014-08620 Filed 4-15-14; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF LABOR

### Public Availability of Department of Labor FY 2013 Service Contract Inventory

**AGENCY:** Office of the Assistant Secretary for Administration and Management, Labor.

**ACTION:** Notice of Public Availability of FY 2013 Service Contract Inventories.

**SUMMARY:** In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111-117), the Department of Labor (DOL) is publishing this notice to advise the public of the availability of its FY 2013 Service Contract Inventory. This inventory provides information on service contract actions over \$25,000 made in FY 2013. The information is organized by function to show how contracted resources are distributed throughout the agency. The inventory has been developed in accordance with guidance issued on November 5, 2010, by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at <http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf>. The Department of Labor has posted its inventory and a summary of the

inventory on the agency's Web site at the following link: <http://www.dol.gov/dol/aboutdol/main.htm#inventory>.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding the service contract inventory should be directed to Gladys M. Bailey in the DOL/Office of Acquisition Management Services at (202) 693-7244 or [bailey.gladys@dol.gov](mailto:bailey.gladys@dol.gov).

Dated: March 18, 2014.

**Edward C. Hugler,**

*Deputy Assistant Secretary for Administration and Management.*

[FR Doc. 2014-08612 Filed 4-15-14; 8:45 am]

**BILLING CODE 4510-23-P**

## NATIONAL COUNCIL ON DISABILITY

### Sunshine Act Meetings

**TIME AND DATES:** The Members of the National Council on Disability (NCD) will hold a quarterly meeting on Tuesday, May 6, 2014, 1:30 p.m.—5:00 p.m. (Pacific Daylight Time).

**PLACE:** The meeting will occur in Berkeley, California at the Ed Roberts Campus, a universally designed, transit-oriented campus located at the Ashby BART Station. The address for the Ed Roberts campus is 3075 Adeline St, Berkeley, CA 94703. Interested parties may join the meeting in person or may join the phone line in a listening-only capacity (other than the period allotted for by-phone public comment) using the following call-in number: 877-419-6591; Conference ID: 5113111; Conference Title: NCD Meeting; Host Name: Jeff Rosen.

**MATTERS TO BE CONSIDERED:** The Council will receive reports from federal partners, its standing committees, and updates on policy projects underway or soon to be underway. The meeting will conclude with a period of public comment.

**AGENDA:** The times provided below are approximations for when each agenda item is anticipated to be discussed (all times PDT):

1:30 p.m.—Call to Order, Welcome, Introduction of New Council Members

1:45–2:15 p.m.—Federal Disability Programs and Initiatives Update, Q&A

2:15–2:30 p.m.—Executive Director's Report

2:30–3:30 p.m.—Standing Committee Reports

- Policy Development and Program Evaluation Committee
  - Medicaid Managed Care Forums Report-out
  - Affordable Care Act Project Update

- Audit & Finance Committee
- Governance Committee

3:30–3:45 p.m.—Break

3:45–4:45 New and Old Business

- Presentation by Disability Rights Education and Defense Fund (DREDF) on NCD draft transportation report “Where We’ve Gone and What We’ve Learned” and the autonomous vehicles report in progress

- Progress Report report-out

4:45–5:00 p.m. Public Comment

5:00 p.m.—Meeting Adjourned

**PUBLIC COMMENT:** To better facilitate NCD's public comment periods, any individual interested in providing public comment will be asked to register their intent to provide comment in advance by sending an email to [PublicComment@ncd.gov](mailto:PublicComment@ncd.gov) with the subject line “Registration” with your name, organization, state, and topic of comment included in the body of your email. Full-length written public comments may also be sent to that email address. All emails to register for public comment at the May 6 quarterly meeting must be received by Friday, May 2, 2013. Priority will be given to those individuals who are in-person to provide their comments. Those commenters on the phone will be called on according to the list of those registered via email. Due to time constraints, NCD asks all commenters to limit their comments to three minutes.

**CONTACT PERSON FOR MORE INFORMATION:** Anne Sommers, NCD, 1331 F Street NW., Suite 850, Washington, DC 20004; 202-272-2004 (V), 202-272-2074 (TTY).

**ACCOMMODATIONS:** A CART streamtext link has been arranged for this meeting. The web link to access CART is: [www.streamtext.net/text.aspx?event=NCD](http://www.streamtext.net/text.aspx?event=NCD).

Those who plan to attend the meeting in-person and require accommodations should notify NCD as soon as possible to allow time to make arrangements. **Please note:** To help reduce exposure to fragrances for those with multiple chemical sensitivities, NCD requests that all those attending the meeting in person please refrain from wearing scented personal care products such as perfumes, hairsprays, colognes, and deodorants.

Dated: April 11, 2014.

**Rebecca Cokley,**

*Executive Director.*

[FR Doc. 2014-08697 Filed 4-11-14; 4:15 pm]

**BILLING CODE 6820-MA-P**