

corrected proposed Consent Order was filed with the Commission on February 27, 2017. On October 12, 2017, the Commission determined to affirm Order No. 25 based on the corrected proposed Consent Order.

As a result, the following two patents (with 13 asserted claims) and two trademarks remain at issue in this investigation: Claims 1, 3–5, and 7 of the '230 patent; claims 1–4 and 6 of the '607 patent; the '948 TM; and the '942 TM. *See* ID at 5.

The evidentiary hearing on the question of violation of section 337 was held from April 18 through April 21, 2017. The final ID finding a violation of section 337 was issued on August 10, 2017. On August 10, 2017, the ALJ issued his final ID finding a violation of section 337. The ID found that the accused products do not infringe the asserted claims of the '230 and '607 patents which were not found to be invalid. The ID also found that the technical prong of the domestic industry requirement was not satisfied for the '230 or '607 patents, and therefore the domestic industry requirement was not satisfied for those patents. The ID further found that the Swagway accused products infringe the '948 TM and '942 TM, for which the domestic industry requirement was satisfied. ID at 192–93; 82; 147.

The ALJ issued his recommended determination on remedy, the public interest and bonding on August 22, 2017. The ALJ recommended that if the Commission finds a violation of section 337 in the present investigation, the Commission should: (1) Issue a GEO covering accused products found to infringe the asserted patents; (2) issue a LEO covering accused products found to infringe the asserted patents if the Commission does not issue a GEO; (3) issue an LEO covering accused products found to infringe the asserted trademarks; (4) issue CDOs; and (5) not require a bond during the Presidential review period. RD at 1–18.

On August 23, 2017, the Commission issued a Notice of Request for Statements on the Public Interest. No written submissions from the public were filed with the Commission. Complainants timely filed a public interest submission on September 21, 2017. 19 CFR 210.50(a)(4).

All parties to this investigation that participated in the evidentiary hearing (with the exception of respondent Powerboard LLC) filed timely petitions for review of various portions of the final ID. The parties likewise filed timely responses to the petitions.

The Commission determined to review various portions of the final ID

and issued a Notice to that effect. 82 FR 48724–26 (Oct. 19, 2017) (“Notice of Review”). In the Notice of Review, the Commission also set a schedule for the filing of written submissions on the issues under review, including certain questions posed by the Commission, and on remedy, the public interest, and bonding. The parties have briefed, with initial and reply submissions, the issues under review and the issues of remedy, the public interest, and bonding.

Having examined the record in this investigation, including the parties’ submissions filed in response to the Notice of Review, the Commission has determined as follows:

(1) To affirm the ID’s determination that the claim term “maximum operating velocity” should be construed to mean “a variable maximum velocity where adequate acceleration potential is available to enable balance and control of the vehicle,” ID at 44;

(2) To affirm the ID’s determination that “nothing in the plain language of the disputed limitation [‘the motorized drive arrangement causing, when powered, automatically balanced operation of the system’] in claim 1 of the '230 patent requires the operation by a rider. The claim only requires the ‘motorized drive arrangement causing, when powered, automatically balanced operation of the system.’” *see* ID at 82;

(3) To affirm the ID’s infringement, validity, and domestic industry (technical prong) determinations pertaining to the '230 patent, with the exception of the ID’s findings and analysis pertaining to the discussion of the non-infringement determination regarding the '230 patent that are based on Complainants’ incorrect construction of the term “maximum operating velocity,” *see* ID at 51–77. The Commission takes no position on these findings and analysis. *See Beloit Corporation v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir.1984);

(4) To modify, as detailed in the accompanying Commission Opinion, the ID’s discussion and conclusion with respect to the “actual confusion” factor regarding the SEGWAY mark on pages 171–172 of the ID, to find that the “actual confusion” factor does not weigh in favor of a finding of a likelihood of confusion.

Having reviewed the submissions on remedy, the public interest and bonding filed in response to the Commission’s Notice of Review, and the evidentiary record, the Commission has determined that the appropriate form of relief in this investigation is: (1) An LEO prohibiting the importation into the United States of (a) SWAGWAY-branded personal transporters, components thereof, and

packaging and manuals thereof manufactured outside the United States that infringe one or more of the '948 TM and '942 TM and that are manufactured abroad by or on behalf of, or imported by or on behalf of, Respondent Swagway; and (b) personal transporters, components thereof, and packaging and manuals therefor manufactured outside the United States that infringe one or more of the '948 TM and '942 TM, which cover the “SEGWAY” marks, and that are manufactured by or on behalf of, or imported by or on behalf of, Respondent Segaway; and (2) a CDO directed against Respondent Swagway.

The Commission has further determined that the public interest factors enumerated in subsections (d)(l), (f)(1), and (g)(1) (19 U.S.C. 1337(d)(l), (f)(1), (g)(1)) do not preclude issuance of the above-referenced remedial orders. Finally, the Commission has determined to set the bond amount at zero (0) percent of the entered value of Respondent Swagway’s accused products and at 100 percent of the entered value of defaulted Respondent Segaway’s accused products during the Presidential review period (19 U.S.C. 1337(j)). The investigation is terminated.

The Commission’s orders, opinion, and the record upon which it based its determination were delivered to the President and to the United States Trade Representative on the day of their issuance. The Commission has also notified the Secretary of the Treasury of the orders.

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.

By order of the Commission.

Issued: December 11, 2017.

**Katherine M. Hiner,**  
*Supervisory Attorney.*

[FR Doc. 2017–27030 Filed 12–14–17; 8:45 am]

**BILLING CODE 7020–02–P**

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Workforce Information Advisory Council (WIAC)

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice of virtual meeting.

**SUMMARY:** Pursuant to Section 308 of the Workforce Innovation and Opportunity Act of 2014 (WIOA), which amends

section 15 of the Wagner-Peyser Act of 1933, notice is hereby given that the WIAC will meet January 11, 2018, at 2:00 p.m. Eastern Standard Time (EST). The meeting will take place virtually at <https://meet617368056.adobeconnect.com/wiac/> or call 1-800-201-5203 and use conference code 333372. The WIAC was established in accordance with provisions of the Federal Advisory Committee Act (FACA), as amended and will act in accordance with the applicable provisions of FACA and its implementing regulation. The meeting will be open to the public.

**DATES:** The meeting will take place on Thursday, January 11, 2018, at 2:00 p.m. EST and conclude no later than 5:00 p.m. EST. Public statements and requests for special accommodations or to address the Advisory Council must be received by January 4, 2018.

**ADDRESSES:** The meeting will be held virtually at <https://meet617368056.adobeconnect.com/wiac/> or call 1-800-201-5203 and use conference code 333372. If problems arise accessing the meeting, please contact Michelle Serrano by telephone at 336-577-5334 or email at [mserrano@theinsgroup.com](mailto:mserrano@theinsgroup.com).

**FOR FURTHER INFORMATION CONTACT:** Steven Rietzke, Chief, Division of National Programs, Tools, and Technical Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-4510, 200 Constitution Ave. NW, Washington, DC 20210; Telephone: 202-693-3912. Mr. Rietzke is the Designated Federal Officer for the WIAC.

**SUPPLEMENTARY INFORMATION:**

*Background:* The WIAC is an important component of the Workforce Innovation and Opportunity Act. The WIAC is a Federal Advisory Committee of workforce and labor market information experts representing a broad range of national, State, and local data and information users and producers. The purpose of the WIAC is to provide recommendations to the Secretary of Labor, working jointly through the Assistant Secretary for Employment and Training and the Commissioner of Labor Statistics, to address: (1) The evaluation and improvement of the nationwide workforce and labor market information (WLMI) system and statewide systems that comprise the nationwide system; and (2) how the Department and the States will cooperate in the management of those systems. These systems include programs to produce employment-related statistics and State and local workforce and labor market information.

The Department of Labor anticipates the WIAC will accomplish its objectives by: (1) Studying workforce and labor market information issues; (2) seeking and sharing information on innovative approaches, new technologies, and data to inform employment, skills training, and workforce and economic development decision making and policy; and (3) advising the Secretary on how the workforce and labor market information system can best support workforce development, planning, and program development. Additional information is available at [www.doleta.gov/wioa/wiac/](http://www.doleta.gov/wioa/wiac/).

*Purpose:* The WIAC is currently in the process of identifying and reviewing issues and aspects of the WLMI system and statewide systems that comprise the nationwide system and how the Department and the States will cooperate in the management of those systems. As part of this process, the Advisory Council meets to gather information and to engage in deliberative and planning activities to facilitate the development and provision of its recommendations to the Secretary in a timely manner.

*Agenda:* Members will report on and finalize subcommittee and full-committee recommendations for the Secretary. The committee may hear general information from subject matter experts in BLS and ETA.

The Advisory Council will open the floor for public comment periodically. The first opportunity for public comment is expected to be at 3:00 p.m. EST; however, that time may change at the WIAC chair's discretion. Once the member discussion, public comment period, and discussion of next steps and new business has concluded, the meeting will adjourn. The WIAC does not anticipate the meeting lasting past 5:00 p.m. EST.

The full agenda for the meeting, and changes or updates to the agenda, will be posted on the WIAC's web page, [www.doleta.gov/wioa/wiac/](http://www.doleta.gov/wioa/wiac/).

*Attending the meeting:* Members of the public who require reasonable accommodations to attend the meeting may submit requests for accommodations by mailing them to the person and address indicated in the **FOR FURTHER INFORMATION CONTACT** section by the date indicated in the **DATES** section or transmitting them as email attachments in PDF format to the email address indicated in the **FOR FURTHER INFORMATION CONTACT** section with the subject line "January 11 2018 WIAC Meeting Accommodations" by the date indicated in the **DATES** section. Please include a specific description of the accommodations requested and phone

number or email address where you may be contacted if additional information is needed to meet your request.

*Public statements:* Organizations or members of the public wishing to submit written statements may do so by mailing them to the person and address indicated in the **FOR FURTHER INFORMATION CONTACT** section by the date indicated in the **DATES** section or transmitting them as email attachments in PDF format to the email address indicated in the **FOR FURTHER INFORMATION CONTACT** section with the subject line "January 11 2018 WIAC Meeting Public Statements" by the date indicated in the **DATES** section. Submitters may include their name and contact information in a cover letter for mailed statements or in the body of the email for statements transmitted electronically. Relevant statements received before the date indicated in the **DATES** section will be included in the record of the meeting. No deletions, modifications, or redactions will be made to statements received, as they are public records. Please do not include personally identifiable information (PII) in your public statement.

*Requests to Address the Advisory Council:* Members of the public or representatives of organizations wishing to address the Advisory Council should forward their requests to the contact indicated in the **FOR FURTHER INFORMATION CONTACT** section, or contact the same by phone, by the date indicated in the **DATES** section. Oral presentations will be limited to 10 minutes, time permitting, and shall proceed at the discretion of the Council chair. Individuals with disabilities, or others, who need special accommodations, should indicate their needs along with their request.

**Rosemary Lahasky,**

*Deputy Assistant Secretary for Employment and Training Administration.*

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