

the sale for importation, and the sale within the United States after importation of certain wireless mesh networking products and related components thereof by reason of infringement of certain claims of U.S. Patents Nos. 6,914,893 (“the ‘893 patent”); 7,103,511 (“the ‘511 patent”); 8,964,708 (“the ‘708 patent”); and 9,439,126 (“the ‘126 patent”). *See id.* The notice of investigation names the following respondents: Emerson Electric Co. of St. Louis, Missouri; Emerson Process Management LLLP of Bloomington, Minnesota; Emerson Process Management Asia Pacific Private Limited of Singapore; Emerson Process Management Manufacturing (M) Sdn. Bhd. of Nilai, Malaysia; Fisher-Rosemount Systems, Inc. of Round Rock, Texas; Rosemount Inc. of Shakopee, Minnesota; Analog Devices, Inc. of Norwood, Massachusetts; Linear Technology LLC of Milpitas, California; Dust Networks, Inc. of Union City, California; Tadiran Batteries Inc. of Lake Success, New York; and Tadiran Batteries Ltd. of Kiryat Ekron, Israel. *See id.* The Office of Unfair Import Investigations is not a party to this investigation. *See id.*

During the course of the investigation, respondents Dust Networks, Inc., Tadiran Batteries Inc., and Tadiran Batteries Ltd. were terminated from the investigation. The remaining respondents are Emerson Electric Co.; Emerson Process Management LLLP; Emerson Process Management Asia Pacific Private Limited; Emerson Process Management Manufacturing (M) Sdn. Bhd.; Fisher-Rosemount Systems, Inc.; Rosemount Inc.; Analog Devices, Inc.; and Linear Technology LLC (collectively “Respondents”). The asserted claims of the ‘126 patent and ‘511 patent were also terminated from the investigation. The ‘893 and ‘708 patents remain asserted in this investigation.

On January 10, 2020, the ALJ issued the final ID in this investigation. The ID found no violation of section 337. The ID’s finding included subsidiary findings that SIPCO failed to show infringement of any asserted claim of the ‘893 or ‘708 patents and that all of the remaining asserted claims of the ‘708 patent were invalid. The ID also found that SIPCO failed to satisfy the domestic industry requirement for either of the ‘708 or ‘893 patents. The ID also included the ALJ’s recommended determination on remedy bonding. In the event the Commission were to find a violation of section 337, the ALJ recommended issuance of a limited exclusion order, a cease and desist order, and a bond of either 0.1%

or 0.05%, depending on the basis for the violation finding.

On January 27, 2020, SIPCO and Respondents submitted petitions seeking review of the ID. On February 4, 2020, SIPCO and Respondents submitted responses to the others’ petitions.

Having examined the record of this investigation, including the ID, the petitions for review, and the responses thereto, the Commission has determined to review the ID with respect to (1) the construction of “remote wireless device” in the ‘708 patent; (2) infringement and validity of the ‘708 patent; (3) infringement and validity of the ‘893 patent; and (4) whether SIPCO satisfies the domestic industry requirement of section 337 for the ‘708 or the ‘893 patent. The Commission has determined not to review the remainder of the ID.

On review, the Commission has determined to affirm the ID’s finding of no violation of section 337 with regard to the ‘708 patent and the ‘893 patent. In addition, the Commission has determined to vacate certain portions of the final ID. The Commission opinion is issued concurrently herewith.

The investigation is hereby terminated.

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 210).

By order of the Commission.

Issued: April 21, 2020.

**Lisa Barton,**

*Secretary to the Commission.*

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Institute of Electrical and Electronics Engineers

Notice is hereby given that, on April 1, 2020, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), the Institute of Electrical and Electronics Engineers (“IEEE”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed

for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, 31 new standards have been initiated and 10 existing standards are being revised. More detail regarding these changes can be found at: <https://standards.ieee.org/about/sasb/sba/jan2020.html>.

On February 8, 2015, the IEEE Board of Directors approved an update of the IEEE patent policy for standards development, which became effective on 15 March 2015. The updated policy is available at <http://standards.ieee.org/develop/policies/bylaws/approved-changes.pdf> and, from the effective date, will be available at <http://standards.ieee.org/develop/policies/bylaws/sect6-7.html>.

On September 17, 2004, IEEE filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 3, 2004 (69 FR 64105).

The last notification was filed with the Department on February 6, 2020. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 27, 2020 (85 FR 11396).

**Suzanne Morris,**

*Chief, Premerger and Division Statistics Unit, Antitrust Division.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Malathy Sundaram, M.D.; Decision and Order

On November 20, 2019, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration (hereinafter, DEA or Government), issued an Order to Show Cause (hereinafter, OSC) to Malathy Sundaram, M.D. (hereinafter, Registrant) of Dover, New Hampshire. OSC, at 1. The OSC proposed the revocation of Registrant’s Certificate of Registration No. BS8504703. *Id.* It alleged that Registrant is without “authority to handle controlled substances in New Hampshire, the state in which . . . [Registrant is] registered with the DEA.” *Id.* (citing 21 U.S.C. 823(f) and 824(a)(3)).

Specifically, the OSC alleged that, “[a]ccording to records of the New Hampshire Medical Board, the current status of . . . [Registrant’s] medical license is listed as ‘suspended’ because on September 6, 2019, . . .