products infringe claim 2 of the '228 patent. The Commission has also determined to reverse the ID's finding that Philips' BX–100 Biosensor Device does not practice all limitations of the '228 patent, and therefore finds that Philips satisfies the technical prong of the domestic industry requirement with respect to this patent. The Commission takes no position on the ID's finding that claim 2 of the '228 patent is not unenforceable based on patent exhaustion. With respect to the '464 patent, the Commission has determined to take no position on the ID's analysis and finding regarding an industry in the process of being established, and therefore takes no position on whether Philips has met the economic prong requirement.

Accordingly, as the Commission does not disturb the ID's other findings with respect to the '228 and '464 patents, the Commission has determined to affirm the final ID's finding of no violation of section 337 with respect to these two patents.

The Commission previously determined to review two IDs the ALJ issued on October 1, 2020: (1) Order No. 34 granting Philips' motion for partial summary determination that complainants satisfied the economic prong of the domestic industry requirement as to the BX–100 Biosensor Device with respect to the '228 patent; and (2) Order No. 35 granting Respondents' motion for summary determination that Respondents' accused products do not infringe (i) asserted claims 1 and 6 of the '698 patent, and (ii) asserted claims 1 and 6 of the '464 patent with respect to the accused heart rate monitoring functionalities. Comm'n Notice (Nov. 16, 2020). On review of the first ID (Order No. 34), the Commission has determined to take no position on the ID's finding that Philips has satisfied the economic prong of the domestic industry requirement by showing that a domestic industry is in the process of being established. The Commission has determined to affirm the finding in Order No. 34 that an industry exists in the United States as to the BX–100 Biosensor Device with respect to the '228 patent. The Commission has also determined to affirm the findings in the second ID (Order No. 35) of non-infringement with respect to the '698 patent, and non-infringement with respect to the '464 patent for the heart rate monitoring functionalities in the accused Fitbit and Garmin devices. The '698 patent therefore is terminated from the investigation with a finding of no violation of section 337.

The investigation is terminated.

The Commission vote for this determination took place on April 12, 2021.

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: April 12, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–07797 Filed 4–15–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1175]

Certain Bone Cements and Bone Cement Accessories; Commission Determination To Review in Part a Final Initial Determination Finding No Violation of Section 337; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (''Commission'') has determined to review in part a final initial determination (''FID'') of the presiding administrative law judge (''ALJ'') finding no violation of section 337 of the Tariff Act of 1930, as amended, in the above-captioned investigation. The Commission requests briefing from the parties on certain issues under review, as indicated in this notice. The Commission also requests briefing from the parties, interested government agencies, and interested persons on the issues of remedy, the public interest, and bonding.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone 202–205–1810.

SUPPLEMENTARY INFORMATION: On September 23, 2019, the Commission instituted this investigation based on a complaint filed on behalf of Zimmer, Inc. and Zimmer US, Inc. both of Warsaw, Indiana (collectively, ''Complainants''). 84 FR 49764 (Sept. 23, 2019). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain bone cements and bone cement accessories by reason of the misappropriation of trade secrets, false advertising, and tortious interference, the threat or effect of which is to destroy or substantially injure an industry in the United States. The complaint also alleges the existence of a domestic industry. The Commission's notice of investigation names the following as respondents: Heraeus Medical GmbH of Wehrheim, Germany and Heraeus Medical LLC of Yardley, Pennsylvania (collectively, ''Respondents''). *Id.* The Office of Unfair Import Investigations (''OUII'') is named as a party in this investigation. *Id.*

On February 11, 2021, the ALJ issued the FID, finding no violation of section 337. More particularly, the FID finds, *inter alia,* that: (1) The Commission has subject matter and personal jurisdiction; (2) Respondents sold for importation into the United States, imported, or sold after importation accused bone cements and bone cement accessories; (3) a domestic industry exists with respect to Complainants' accessory products under section 337(a)(1)(A)(i) (19 U.S.C. 1337(a)(1)(A)(i)); (4) Complainants own the asserted trade secrets; (5) trade secrets (''TS'') 10, 15, and 28 are protectable, but TS 11 is not protectable; (6) Respondents did not misappropriate any asserted TS; (6) Respondents did not engage in false advertising; (7) Respondents did not tortiously interference with Complainants' contracts or prospective business relationships; and (6) Complainants failed to show a substantial injury or threat of injury to their domestic industry.

The FID includes the ALJ's recommended determination (''RD''), which recommends that, if the Commission finds a violation of section 337, the Commission should issue a limited exclusion order and a cease and desist order directed to Respondents.

The RD further recommends imposing a bond of five and a half (5.5) percent during the period of Presidential review.

On February 23, 2021, Complainants filed a petition for review that seeks review of most of the FID's findings. On March 3, 2021, Respondents and OUII filed responses to Complainants' petition.

On March 15, 2021, Respondents filed a submission on the public interest pursuant to Commission Rule 210.50(a)(4) (19 CFR 210.50(a)(4)). Complainants and OUII did not file a statement on the public interest. The Commission received no filings in response to its **Federal Register** notice calling for public interest comments. *See* 86 FR 12029.

Having examined the record in this investigation, including the FID, the petitions for review, and the responses thereto, the Commission has determined to review the FID in part. In particular, the Commission has determined to review the following:

(1) The FID's findings and conclusions as to the alleged misappropriation of the asserted trade secrets, including the finding that Respondents independently developed their own data compilation;

(2) The FID's findings and conclusions as to Respondents' alleged tortious interference with Complainants' prospective business advantages; and

(3) The FID's findings on domestic industry and injury.

The Commission has determined not to review the remainder of the FID.

In connection with its review, the Commission requests that the parties brief their positions regarding the following questions with reference to the applicable law and the evidentiary record:

(A) When evaluating the misappropriation of a trade secret, identify and discuss the proper legal standard for wrongful disclosure or use of a trade secret that is a compilation. Please consider whether any particular amount of disclosure or use is required to support a finding of misappropriation, *i.e.,* de minimis, substantial, or the entirety of the trade secret compilation. Discuss whether there are any differences in the application of the legal standard for disclosure or use if a trade secret compilation includes publicly available information.

(B) Given the legal standard identified in response to (A), please analyze the alleged disclosure and use of TS 10, 15, and 28.

(C) Please discuss and provide a timeline detailing the background and development of Heraeus Medical LLC from 2017 through 2018, including the dates that relevant employees were hired, the relevant employees' positions, the dates of alleged disclosures and/or use of TS 10, 15, and 28, and the dates and relevant facts regarding Respondents' interactions with third parties.

(D) What criteria should the Commission apply to determine whether activities related to meeting FDA requirements constitute activities of a ''mere importer''? For example, should one criterion be that the activities are required to be performed in the United States or that the activities differ from those that a wholly domestic company would perform? Please apply the appropriate criteria to the facts of this investigation. Are any of Complainants' FDA-related activities different from what a wholly domestic company would need to undertake? Which, if any, of a Complainants' FDA activities could be conducted abroad?

In connection with the final disposition of this investigation, the statute authorizes issuance of: (1) An exclusion order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) one or more cease and desist orders that could result in the 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 are likely to do so. For background, *see Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337- TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994). In addition, if a party seeks issuance of any cease and desist orders, the written submissions should address that request in the context of recent Commission opinions, including those in *Certain Arrowheads with Deploying Blades and Components Thereof and Packaging Therefor,* Inv. No. 337–TA–977, Comm'n Op. (Apr. 28, 2017) and *Certain Electric Skin Care Devices, Brushes and Chargers Therefor, and Kits Containing the Same,* Inv. No. 337–TA–959, Comm'n Op. (Feb. 13, 2017).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and/or cease and desist 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, disapprove, or take no action on 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: The parties to the investigation are requested to file written submissions on the questions identified in this notice. 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. Such initial written submissions should include views on the ALJ's RD on remedy and bonding.

In their initial written submission, Complainants are also requested to identify the form of the remedy sought, and Complainants and OUII are requested to submit proposed remedial orders for the Commission's consideration. Complainants are also requested to state the HTSUS subheadings under which the accused articles are imported, and to supply identification information for all known importers of the accused products.

Written submissions, including proposed remedial orders must be filed no later than the close of business on April 30, 2021. Reply submissions must be filed no later than the close of business on May 7, 2021. 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 deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798

(March 19, 2020). Submissions should refer to the investigation number (''Inv. No. 337–TA–1175'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary at (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. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The Commission vote for this determination took place on April 12, 2021.

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: April 12, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–07765 Filed 4–15–21; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1474 (Final)]

Ultra-High Molecular Weight Polyethylene From Korea

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded by reason of imports of ultra-high molecular weight polyethylene from Korea, provided for in subheadings 3901.10.10 and 3901.20.10 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'').[2]

Background

The Commission instituted this investigation effective March 4, 2020, following receipt of a petition filed with the Commission and Commerce by Celanese Corporation, Irving, Texas. The Commission scheduled the final phase of the investigation following notification of a preliminary determination by Commerce that imports of ultra-high molecular weight polyethylene from Korea were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of October 20, 2020 (85 FR 66576). In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, the Commission conducted its hearing through written testimony and video conference on February 18, 2021. All persons who requested the opportunity were permitted to participate.

The Commission made this determination pursuant to section 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on April 12, 2021. The views of the Commission are contained in USITC Publication 5178 (April 2021), entitled *Ultra-High Molecular Weight Polyethylene from Korea: Investigation No. 731–TA–1474 (Final).*

By order of the Commission.

Issued: April 12, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–07758 Filed 4–15–21; 8:45 am]

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[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 86 FR 11497 (February 25, 2021).

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On April 12, 2021, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Louisiana in the lawsuit entitled *United States of America* v. *Axiall Corp., CITGO Petroleum Corporation, Bridgestone Americas Tire Operations, LLC, Bridgestone Americas, Inc., Firestone Polymers, LLC, Occidental Chemical Corporation, OXY USA Inc., PPG Industries, Inc. and Westlake Polymers LLC,* Civil Action No. 2:21–cv–00970–JDC–KK.

The Consent Decree resolves the claims of the United States against the Defendants for response costs incurred by the United States for response actions to investigate and address contamination within the Calcasieu Estuary Site (Site) in Louisiana. The United States' Complaint seeks to recover its response costs incurred in connection with the Site pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(a). The Consent Decree provides for payment by the Defendants of $5.5 million in reimbursement of the United States' past response costs.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America* v. *Axiall Corp., et al.,* D.J. Ref. No. 90–11–2–1284/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail: