

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1118 (Advisory Opinion Proceeding)]

### Certain Movable Barrier Operator Systems and Components Thereof; Notice of a Commission Determination To Adopt in Part an Advisory Opinion; Termination of Advisory Opinion Proceeding

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined to adopt in part an initial advisory opinion (“IAO”) (Order No. 44, as corrected) issued by the presiding administrative law judge (“ALJ”). The Commission has determined to adopt the IAO’s finding of non-infringement of claims 1 and 21 of U.S. Patent Nos. 7,755,223. The Commission has determined not to adopt the portions of the IAO recommending rescission of the remedial orders and discussing grant of a motion for summary determination of non-infringement. The advisory opinion proceeding is hereby terminated.

**FOR FURTHER INFORMATION CONTACT:** Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket system (“EDIS”) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto: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:** The Commission instituted the underlying investigation on June 11, 2018, based on a complaint, as supplemented, filed by The Chamberlain Group, Inc. (“CGI”) of Oak Brook, Illinois. 83 FR 27020-21 (June 11, 2018). The complaint alleges that respondents Nortek Security & Control, LLC of Carlsbad, California; Nortek, Inc. of Providence, Rhode Island; and GTO Access Systems, LLC of Tallahassee, Florida (collectively, “Nortek”) violated section 337 of the Tariff Act, as amended, 19 U.S.C. 1337 (“Section 337”) by importing, selling for

importation, or selling in the United States after importation garage door openers (“GDOs”) and other movable barrier operator systems that allegedly infringe one or more of the asserted claims of U.S. Patent Nos. 7,755,223 (“the ’223 patent”), 8,587,404 (“the ’404 patent”), and 6,741,052 (“the ’052 patent”). *Id.* The Office of Unfair Import Investigations was not named as a party to this investigation. *Id.*

On December 3, 2020, the Commission determined that Nortek violated Section 337 by way of infringing claims 1 and 21 of the ’223 patent. The Commission issued a limited exclusion order and cease and desist orders against Nortek and imposed a bond in the amount of 100 percent of the entered value of the covered products during the period of Presidential review.

On January 21, 2021, the Commission granted Nortek’s opposed request to institute an advisory opinion proceeding, pursuant to Commission Rule 210.79 (19 CFR 210.79). 86 FR 7105 (Jan. 26, 2021); Comm’n Order (Jan. 21, 2021). On January 28, 2021, CGI and Nortek executed a joint stipulation that the subject GDOs do not infringe the ’223 patent because they do not have two operating modes at two different energy levels (*i.e.*, they do not have a “beam off” or “sleep mode”). On February 9, 2021, Nortek filed an unopposed motion for summary determination and statement of undisputed facts that the subject GDOs do not infringe the ’223 patent.

On May 24, 2021, the presiding ALJ issued an amended IAO finding the subject GDOs do not infringe claims 1 and 21 of the ’223 patent. Order No. 44 (May 24, 2021) (as amended). The amended IAO also contains language ostensibly granting Nortek’s unopposed motion for summary determination of non-infringement and recommends that the Commission issue an order rescinding the remedial orders. *See id.* at 6.

On June 1, 2021, CGI filed a petition for review of Order No. 44, opposing the portion of the IAO recommending rescission of the remedial orders. CGI did not oppose the IAO’s finding that the subject GDOs do not infringe claims 1 and 21 of the ’223 patent. Nortek did not file a response to CGI’s petition.

The Commission has determined to adopt the portion of the IAO finding that the subject GDOs do not infringe claims 1 and 21 of the ’223 patent. The Commission, however, has determined not to adopt the recommendation to rescind the remedial orders, as modification or rescission of remedial

orders is governed by Section 337(k) (19 U.S.C. 1337(k)) and Commission Rule 210.76 (19 CFR 210.76). The Commission has also determined not to adopt that portion of the advisory opinion discussing granting Nortek’s motion for summary determination of non-infringement.

This advisory opinion proceeding is hereby terminated.

The Commission voted to approve these determinations on June 23, 2021.

The authority for the Commission’s determinations 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: June 24, 2021.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2021-13830 Filed 6-28-21; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### U.S. Marshals Service

[OMB Number 1105-0105]

#### Agency Information Collection Activities; Proposed eCollection Activities; Proposed eComments Requested; Renewal of Collection, No Changes; Comments Requested: Form CSO-005, Preliminary Background Check Form

**AGENCY:** U.S. Marshals Service, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice (DOJ), U.S. Marshals Service (USMS), 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.

**DATES:** Comments are encouraged and will be accepted for 60 days until August 30, 2021.

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Nicole Timmons either by mail at CG-3, 10th Floor, Washington, DC 20530-0001, by email at [Nicole.Timmons@usdoj.gov](mailto:Nicole.Timmons@usdoj.gov), or by telephone at 202-236-2646.

**SUPPLEMENTARY INFORMATION:** 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;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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.

#### Overview of This Information Collection

1. *Type of Information Collection* (check justification or form 83): Renewal of existing collection, no changes.

2. *The Title of the Form/Collection*: Form CSO-005, Preliminary Background Check Form.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection*: Form number (if applicable): Form CSO-005.

*Component*: U.S. Marshals Service, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract*:

*Primary*: Court Security Officers/ Special Security Officer (CSO/SSO) Applicants.

*Other (if applicable)*: [None].

*Abstract*: The CSO-005 Preliminary Background Check Form is used to collect applicant information for CSO/SSO positions. The applicant information provided to USMS from the Vendor gives information about which District and Facility the applicant will be working, the applicant's personal information, prior employment verification, employment performance and current financial status. The information allows the selecting official to hire applicants with a strong history of employment performance and financial responsibility. The questions on this form have been developed from the OPM, MSPB and DOJ "Best

Practice" guidelines for reference checking.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond*: An estimated 750 respondents will utilize the form, and it will take each respondent approximately 60 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection*: The estimated annual public burden associated with this collection is 750 hours, which is equal to (750 (total # of annual responses) \* 1 (60 mins).

*If additional information is required contact*: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: June 24, 2021.

**Melody Braswell,**

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

[FR Doc. 2021-13848 Filed 6-28-21; 8:45 am]

**BILLING CODE 4410-04-P**

#### DEPARTMENT OF LABOR

##### Office of Workers' Compensation Programs

##### Advisory Board on Toxic Substances and Worker Health

**AGENCY**: Office of Workers' Compensation Programs, Department of Labor.

**ACTION**: Notice of advisory board charter renewal.

**SUMMARY**: The Secretary of Labor will renew the Charter of the Advisory Board on Toxic Substances and Worker Health (Board) for two years.

**FOR FURTHER INFORMATION CONTACT**: You may contact Michael Chance, Designated Federal Officer, at [chance.michael@dol.gov](mailto:chance.michael@dol.gov), or Carrie Rhoads, Alternate Designated Federal Officer, at [rhoads.carrie@dol.gov](mailto:rhoads.carrie@dol.gov), U.S. Department of Labor, 200 Constitution Avenue NW, Suite S-3524, Washington, DC 20210, telephone (202) 343-5580. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION**: In accordance with section 3687 of Public Law 106-398, which was added by section 3141(a) of the National Defense Authorization Act (NDAA) of 2015, Executive Order 13699 (June 26, 2015), and the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. app. 2) and its

implementing regulations issued by the General Services Administration (GSA), the Advisory Board on Toxic Substances and Worker Health was established on July 2, 2015. The current Charter was signed on June 28, 2019 and expires on June 27, 2021. Pursuant to FACA, Section 14(b)(2), the Secretary of Labor will renew the Charter for two years. The Charter renewal allows the Board to continue its operations. The Board advises the Secretary of Labor (Secretary) with respect to: (1) The Site Exposure Matrices (SEM) of the Department of Labor; (2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; (3) evidentiary requirements for claims under Part B of EEOICPA related to lung disease; (4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency; (5) the claims adjudication process generally, including review of procedure manual changes prior to incorporation into the manual and claims for medical benefits; and (6) such other matters as the Secretary considers appropriate. The Board, when necessary, coordinates exchanges of data and findings with the Department of Health and Human Services' Advisory Board on Radiation and Worker Health.

Membership of the Board currently consists of 12 members appointed by the Secretary, who also appointed a Chair. Public Law 106-398, Section 3687(a)(3). Pursuant to Section 3687(a)(2), membership is balanced and includes members from the scientific, medical and claimant communities. The members serve two-year terms. At the discretion of the Secretary, members may be appointed to successive terms or removed at any time. The Board meets no less than twice per year.

The Board reports to the Secretary of Labor. As specified in Section 3687(i), the Board shall terminate ten (10) years after the date of the enactment of the NDAA, which was December 19, 2014. Thus, the Board shall terminate on December 19, 2024.

Electronic copies of this **Federal Register** notice are available at <http://www.regulations.gov>. This notice, as well as news releases and other relevant information, are also available on the Advisory Board's web page at <http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm>.