

in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of film and television productions (motion-picture film is provided for in subheading 3706.10 of the Harmonized Tariff Schedule of the United States), that are alleged to be subsidized by the Government of Canada. Unless the Department of Commerce extends the time for initiation pursuant to section 702(c)(1)(B) of the Act (19 U.S.C. 1671a(c)(1)(B)), the Commission must reach a preliminary determination in countervailing duty investigations in 45 days, or in this case by January 18, 2002. The Commission's views are due at Commerce within five business days thereafter, or by January 28, 2002.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's rules of practice and procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: December 4, 2001.

FOR FURTHER INFORMATION CONTACT:

Diane J. Mazur (202-205-3184), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed on December 4, 2001, by the Film and Television Action Committee, Studio City, CA; the Screen Actors Guild, Los Angeles, CA; Studio Utility Employees Local 724 of the Laborers International Union, Hollywood, CA; Local 355 of the International Brotherhood of Teamsters (Teamsters), Baltimore, MD; Teamsters Local 391, Greensboro, NC; Teamsters Local 399, North Hollywood, CA; Teamsters Local 509, Cayce SC; Teamsters Local 592, Richmond, VA;

and the Maryland Production Alliance, Baltimore, MD.

Participation in the Investigation and Public Service List

Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this investigation available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on December 27, 2001, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Diane Mazur (202-205-3184) not later than December 21, 2001, to arrange for their appearance. Parties in support of the imposition of countervailing duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request

permission to present a short statement at the conference.

Written Submissions

As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before January 2, 2002, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: December 5, 2001.

Donna R. Koehnke,
Secretary.

[FR Doc. 01-30507 Filed 12-10-01; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-439]

In the Matter of Certain HSP Modems, Software and Hardware Components Thereof, and Products Containing Same; Notice of Commission Decision To Affirm ALJ Orders Nos. 75 and 76; To Review Portions of a Final Initial Determination; To Extend by 45 Days the Target Date for Completion of the Investigation; and To Schedule for Written Submissions on the Issues Under Review and 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 to affirm ALJ Orders Nos. 75 and 76 issued by the presiding administrative law judge ("ALJ") on June 29, 2001, and July 5, 2001, respectively; to deny ESS's motion to strike PCTEL's October 23 letter; to deny PCTEL's motion to supplement the record and its motion for leave to reply to ESS's response; to extend the target date for completion of the investigation by 45 days to March 4, 2002; and to review portions of the final initial determination ("ID") issued on October 18, 2001, by the presiding ALJ finding a violation of section 337 of the Tariff Act of 1930 in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT:

Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3152. Copies of the public versions of the subject orders and ID, and all other nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 11, 2000, based on a complaint filed by PCTEL, Inc. ("PCTEL") of Milpitas, California. The complaint named Smart Link Ltd. of Netanya, Israel and Smart Link Technologies, Inc. of Watertown, Massachusetts (collectively "Smart Link") and ESS Technology, Inc. ("ESS") of Fremont, California as respondents. The complaint alleged that Smart Link and ESS had violated section 337 of the Tariff Act of 1930 by importing into the United States, selling for importation, and/or selling within the United States after importation certain HSP modems, software and hardware components thereof, and products containing the same by reason of infringement of claims 1-2 of U.S. Letters Patent 5,787,305 ("the '305 patent'"), claims 1-4, 7-8, and 11-15 of U.S. Letters Patent 5,931,950 ("the '950

patent'"), claims 1, 2, 10, and 15-17 of U.S. Letters Patent 4,841,561 ("the '561 patent'"), and claims 1, 6-7, 10-12, and 15-19 of U.S. Letters Patent 5,940,459 ("the '459 patent'").

On April 5, 2001, the Commission determined not to review an ID granting PCTEL's motion for summary determination of its satisfaction of the economic prong of the domestic industry requirement.

On June 28, 2001, the Commission determined not to review an ID terminating the investigation as to respondent Smart Link on the basis of a settlement agreement. The only patents asserted by PCTEL against remaining respondent ESS are the '305 and '950 patents remain at issue in the investigation.

The ALJ issued his final ID on October 18, 2001. He found that respondent ESS's HSP modem products do not infringe claims 1 or 2 of the '305 patent; that the '305 patent is enforceable and not invalid; and that the technical prong of the domestic industry requirement is not met as to the '305 patent (i.e., that PCTEL's products do not practice any claim in issue of the '305 patent). The ALJ also found that respondent ESS's HSP modem products literally infringe, contributorily infringe, and induce infringement of claims 1-3, 7, 8, and 11-15 of the '950 patent. The ALJ further found that the '950 patent is enforceable, not invalid, and that a domestic industry relating to complainant PCTEL's HSP modem products exists with respect to the '950 patent. Based on his findings concerning the '950 patent, the ALJ found that there is a violation of section 337.

The ALJ also issued his recommended determination on remedy and bonding in the event that the Commission also finds a violation of section 337. He recommended issuance of a limited exclusion order covering the accused ESS modem semiconductors, software, and the downstream products of modem boards and motherboards, but not personal computers. He also recommended issuance of a cease and desist order, and a bond in the amount of 9 percent of the entered value of the accused HSP modem products during the Presidential review period.

On October 31, 2001, complainant PCTEL, respondent ESS, and the Commission investigative attorney ("IA") filed petitions for review of the final ID. On November 7, 2001, the IA filed a response to ESS's petition, and ESS filed a response to PCTEL's and the IA's petitions. On November 8, 2001, PCTEL filed an unopposed motion

requesting a one-day extension of time to file its response to ESS's petition for review, which motion was granted by the Chairman, along with its response to ESS's petition for review.

On October 23, 2001, PCTEL filed a letter with the ALJ requesting reconsideration and supplementation of the ID to affirmatively include within the listed accused infringing products of ESS certain chipsets that the ALJ had not included in his ID or RD. On October 24, 2001, ESS filed a motion with the Commission to strike PCTEL's October 23 letter. The Commission has determined to consider PCTEL's October 23 letter as part of its petition for review and therefore denies ESS's motion to strike the letter.

On November 2, 2001, PCTEL filed a motion with the Commission to supplement the record. On November 14, ESS filed an opposition to PCTEL's motion and the IA filed a response in support of the motion. On November 16, 2001, PCTEL filed a motion for leave to reply to ESS's response, and filed a reply. The Commission has determined to deny PCTEL's motion to supplement, and to deny PCTEL's motion to reply to ESS's response as moot.

On November 29, 2001, the IA filed a motion with the Commission for an extension of time to submit briefs if the Commission determines to review the ID, and an extension of the target date from January 18, 2002, to February 18, 2002.

Having examined the ALJ's final ID, the petitions for review and the responses thereto, and the record of the investigation, the Commission has determined to review the following issues: Which chipsets of ESS are accused of infringement; the ALJ's construction of "the device occupies an I/O slot that corresponds to a first communications port" and "UART emulation" claim limitations of claim 1 the '305 patent and the resulting infringement and domestic industry findings; and the ALJ's construction of the "selection logic" and "interrupt" limitations of the claims at issue of the '905 patent, and the resulting infringement and domestic industry findings. The Commission determined not to review the remainder of the final ID.

On review, the Commission requests briefing based on the evidentiary record on all issues under review and is particularly interested in answers to the following questions, with all answers cited to the evidentiary record:

1. As to the construction of "the device occupies an I/O slot that corresponds to a first communications

port" limitation of claim 1 the '305 patent:

In Windows 95 and other later generation operating systems ("the Windows 95 operating systems"), is a standard, UART-based device always assigned to COM 1 through COM 4, and is a non-standard, non-UART device always assigned to COM 5 through COM 128?

Describe in detail serial COM port usage and standard and non-standard base address assignments in both the Windows 3.1 and Windows 95 operating systems, and UART and non-UART COM port usage in the Windows 3.1 and Windows 95 operating systems.

RX-520C states that MS-DOS supports "128 logical names for addressing serial ports." Does MS-DOS therefore support 128 COM ports? How does this statement from RX-520C relate to the statement in the '305 patent that "WINDOWS and MS-DOS support four communication or COM ports"? The '305 patent, col. 1, ll. 46-48.

Under Federal Circuit case law, what is necessary to conclude that one of ordinary skill in the art would interpret the claim term "communications port" in the light of Windows 95? Is being "aware of" the soon-to-be-released Windows 95 operating system sufficient? Is having "access" to an early set of documentation on how to develop software for the soon-to-be-released Windows 95 operating system sufficient?

2. As to the construction of the "UART emulation" limitation of claim 1 of the '305 patent:

What is the difference in "UART emulation" in the Windows 3.1 operating systems vis-a-vis the Windows 95 operating systems?

In the Windows 95 operating systems, does VCOMM expect UART data from all serial devices? Are the device drivers of non-UART devices in the Windows 95 operating systems required to simulate or "emulate" a UART response to VCOMM's data requests?

3. As to the construction of the "interrupt" limitation of the claims at issue of the '950 patent:

Describe in detail PC power management on the ISA data bus vis-a-vis the PCI data bus, and the operation of a PME signal on the PCI bus.

Would the "interrupt" limitation of the claims at issue of the '950 patent be interpreted by one of ordinary skill in the art as applying only to the ISA bus? Or, in June of 1997, when the application that matured into the '950 patent was filed, would one of ordinary skill in the art also interpret the "interrupt" signal of the '950 patent as a PME signal on the PCI bus?

4. As to the construction of the "selection logic" limitation of the claims at issue of the '950 patent:

Is the claimed interrupt-switching "selection logic" of the claims at issue of the '950 patent mutually exclusive between modes?

Under a proper construction of "selection logic," does the "selection logic" select or switch between interrupt sources, and output that selection onto a single interrupt signal line?

5. As to the infringement of the '305 patent:

Provide a detailed description of how the accused ESS HSP modems operate in the Windows 95 operating systems. How do the accused ESS HSP modems use VCOMM and modem.sys? Do the Windows 95 operating systems expect UART data from the accused ESS HSP modems?

6. As to the infringement of the '950 patent:

Describe the wake and sleep cycles of an ESS modem and the attached PC system. How do the ESS HSP modems block interrupts from an inactive modem, and then select the ring signal as an interrupt? Does the interrupt switching mechanism of the ESS HSP modems select from different interrupt sources for output onto a single interrupt signal line?

In connection with the final disposition of this investigation, the Commission may issue (1) an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) cease and desist orders that could result in respondents being required to cease and desist from engaging in unfair action 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 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 President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a 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.

Written Submissions: The parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on remedy, the public interest, and bonding. Such submissions should address the October 18, 2001, recommended determination by the ALJ on remedy and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Responses to the above questions, written submissions on remedy, the public interest, and bonding, and proposed remedial orders must be filed no later than close of business on January 10, 2002. Reply submissions must be filed no later than the close of business on January 17, 2002. No further submissions will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file with the Office of the Secretary the original document and 14 true copies thereof on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See § 201.6 of the Commission's rules of practice and procedure, 19 CFR 201.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in §§ 210.42, 210.43, 210.45, 210.46, and 210.50 of the Commission's rules of practice and procedure (19 CFR 210.42, 210.43, 210.45, 210.46, and 210.50).

Issued: December 5, 2001

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01-30506 Filed 12-10-01; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-450]

In the Matter of: Certain Integrated Circuits, Processes for Making Same, and Products Containing Same; Notice of Commission Decision Not To Review an Initial Determination Granting Complainants' Motion for Summary Determination on Importation

AGENCY: U.S. International Trade Commission.

ACTION: Corrected notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") issued by the presiding administrative law judge (ALJ) in the above-captioned investigation on November 2, 2001, granting a motion of complainants' United Microelectronics Corporation, UMC Group (USA), and United Foundry Service, Inc. for summary determination on importation.

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 the ALJ's ID and all other nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be

viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 6, 2001. The complainants are United Microelectronics Corporation of Hsinchu City, Taiwan; UMC Group (USA) of Sunnyvale, California; and United Foundry Service, Inc. of Hopewell Junction, New York. The respondents are Silicon Integrated Systems Corp. of Hsinchu City, Taiwan; and Silicon Integrated Systems Corporation of Sunnyvale, California. 66 FR 13567 (2001).

On September 13, 2001, complainants filed a motion for summary determination on respondents' first affirmative defense of lack of importation. On September 25, 2001, respondents filed a cross-motion for summary determination on lack of importation. On the same day, the Commission investigative attorney ("IA") filed his response in support of complainants' motion.

On October 5, 2001, complainants filed a memorandum in opposition to respondents' cross-motion for summary determination on lack of importation and a reply memorandum in support of complainants' motion for summary determination. On the same day, the IA filed his response in opposition to respondents' cross-motion for summary determination.

On October 23, 2001, complainants filed a motion for leave to file a supplemental memorandum in support of their motion, which was granted. On October 25, 2001, respondents filed a response to complainants' motion for supplemental memorandum.

On November 2, 2001, the ALJ granted complainants' motion for summary determination and denied respondents' motion for summary determination. On November 8, 2001, respondents filed petition for review of the ID. On November 16, 2001, complainants and the IA filed responses in opposition to respondents' petition.

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 § 210.42 of the Commission's rules of practice and procedure (19 CFR 210.42).

Issued: December 5, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01-30505 Filed 12-10-01; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Meeting of the Compact Council for the National Crime Prevention and Privacy Compact

AGENCY: Federal Bureau of Investigation, Justice.

ACTION: Meeting notice.

SUMMARY: The purpose of this notice is to announce a meeting of the Compact Council created by the National Crime Prevention and Privacy Compact Act of 1998 (Compact). Thus far, the federal government and thirteen states are parties to the Compact which governs the exchange of criminal history records for licensing, employment, and similar purposes. The Compact also provides a legal framework for the establishment of a cooperative Federal-state system to exchange such records.

Matters for discussion are expected to include: (1.) Record Screening Requirements, (2.) National Fingerprint File (NFF)/Qualifications and Audit Criteria, (3.) Proposed Progressive Steps for Sanctions, (4.) Improvements to the Criminal History Background Process, (5.) Proposal to Improve Service to the Noncriminal Justice Customers Seeking Interstate Identification Index Information, (6.) Jurisdiction of the Compact Council, (7.) Expansion of Time Frame and Users of the Emergency Child Placement Rule, (8.) NFF Implementation Plan for Non-NFF Compact States, and (9.) Source Documentation for Policy and Compact Council Rules.

The meeting will be open to the public on a first-come first-seated basis. Any member of the public wishing to file a written statement with the Compact Council or wishing to address this session of the Compact Council should notify Ms. Cathy L. Morrison at (304)625-2736, at least 24 hours prior to the start of the session. The notification should contain the requestor's name and corporate designation, consumer affiliation, or government designation, along with a short statement describing the topic to be addressed, and the time needed for the presentation. Requestors will ordinarily be allowed up to 15 minutes to present a topic.

DATES AND TIME: The Compact Council will meet in open session from 9 a.m. until 5 p.m. on January 8-9, 2002.

ADDRESSES: The meeting will take place at the Sheraton Grand Hotel, 1230 J Street, Sacramento, California, telephone (916) 447-1700.

FOR FURTHER INFORMATION CONTACT: Inquiries may be addressed to Ms. Cathy