

domestic industry exists with respect to the '345 patent. On May 13, 2002, the ALJ issued his recommended determination on remedy and bonding. On May 20, 2002, complainants and the Commission investigative attorney ("IA") petitioned for review of the subject ID, and respondents filed a contingent petition for review of the ALJ's final ID. On June 21, 2002, the Commission determined to review the ID in part. Specifically, the Commission determined to review and clarify that the ALJ found claim 13 of the '345 patent made obvious, but not anticipated, by the Tobben patent. The Commission also determined to review: (1) the ALJ's findings and conclusions of law regarding the '352 patent with respect to infringement of the asserted claims and domestic industry under the doctrine of equivalents; (2) the ALJ's finding that respondents' old E5 model ESD transistor does not infringe any asserted claim of the '352 patent, either literally or equivalently; (3) the ALJ's claim construction of the limitations "an ESD protection device" (claims 1, 2, and 8 of the '352 patent), "a gate" (claims 1 and 2), "gates" (claim 8), and "source/drain regions \* \* \* with each source/drain region comprising" (claims 1, 2, and 8), and the ALJ's invalidity, domestic industry, and infringement findings and conclusions of law with respect to those limitations; (4) the ALJ's finding that claim 8 of the '352 patent is invalid as made obvious by a combination of prior art references; (5) whether the economic prong of the domestic industry requirement is met with respect to the '352 patent; (6) the ALJ's findings that the "second antireflective coating" (claim 1 and asserted dependent claims 3-8 of the '345 patent) and "cap layer" (claims 9-16, 19-20, and 21 of the '345 patent) are disclosed in the Tobben patent, and consequently (a) the ALJ's findings with respect to etching the second antireflective coating or cap layer (claims 4 and 12), (b) the ALJ's ultimate finding that the Tobben patent anticipates claims 1, 3-16, 19-20, and 21 of the '345 patent, and (c) the ALJ's conclusion that claim 13 is made obvious by the Tobben patent and other prior art; (7) the ALJ's conclusion that claim 13 of the '345 patent is invalid as obvious in light of the Tobben patent; and (8) the ALJ's conclusion that claims 1, 3-16, 19-20, and 21 of the '345 patent are invalid as made obvious by the Abernathy patent in combination with the Pan, Yagi, and/or Yota publications. The Commission determined not to review the remainder of the ID, including the ID's conclusions and

findings of fact with respect to whether the Tobben patent is prior art to the '345 patent, infringement of the asserted claims of the '345 patent, domestic industry concerning the '345 patent, and failure to disclose the best mode of practicing the invention of the '345 patent. The Commission requested briefs on the issues under review, and posed briefing questions for the parties to answer. The Commission also requested written submissions on the issues of remedy, the public interest, and bonding. 67 FR 43338. Initial briefs were filed on July 9, 2002, and reply briefs were filed on July 16, 2002, and July 17, 2002. Having examined the record in this investigation, including the briefs and the responses thereto, the Commission determined that there is a violation of section 337 as to claim 13 of the '345 patent, but no violation of the statute as to the remaining claims in issue of the '345 patent (*viz.*, claims 1, 3-5, 9, 11-12, 20, and 21) and no violation as to the claims in issue of the '352 patent (*viz.*, claims 1, 2, and 8). With respect to the '352 patent, the Commission determined to modify the ALJ's construction of certain limitations in the asserted claims of the '352 patent, and to affirm the ALJ's findings and conclusions that (a) the asserted claims are not infringed, and (b) complainants failed to establish the technical prong of the domestic industry requirement under the revised claim construction. The Commission also determined to affirm the ALJ's finding that claims 1 and 2 of the '352 patent are invalid as anticipated, to reverse the ALJ's finding that claim 8 of the '352 patent is invalid as made obvious, and to take no position as to whether complainants established the economic prong of the domestic industry requirement with respect to the '352 patent. With respect to the '345 patent, the Commission determined to vacate the ALJ's findings and conclusions as to invalidity with respect to claims 6-8, 10, 14-16, and 19; to reverse the ALJ's finding that claims 1, 3-5, 9, 11-12, 20, and 21 are invalid as anticipated; to affirm the ALJ's conclusion that claims 1, 3-5, 9, 11-12, 20, and 21 of the '345 patent are invalid as obvious; and to clarify that claim 13 is not anticipated and reverse the ALJ's conclusion that claim 13 is invalid as obvious. The Commission also made determinations on the issues of remedy, the public interest, and bonding. The Commission determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of integrated circuits, including chipsets and graphics chips, that are made by a process covered by

claim 13 of U.S. Letters Patent 6,117,345 and manufactured by or on behalf of respondents, and motherboards containing such integrated circuits. The Commission also determined that the public interest factors enumerated in 19 U.S.C. 1337(d) do not preclude the issuance of the limited exclusion order, and that the bond during the Presidential review period should be set at 100 percent of the entered value of integrated circuits subject to the Commission's order and 39 percent of the entered value of motherboards containing such integrated circuits. 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 sections 210.45-210.51 of the Commission's Rules of Practice and Procedure (19 CFR 210.45-210.51).

By order of the Commission.  
Issued: October 7, 2002.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 02-25997 Filed 10-10-02; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[USITC SE-02-029]

### Sunshine Act Meeting

#### AGENCY HOLDING THE MEETING:

International Trade Commission.

**TIME AND DATE:** October 16, 2002 at 11 a.m.

**PLACE:** Room 101, 500 E Street SW., Washington, DC 20436. Telephone: (202) 205-2000.

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: none.
  2. Minutes
  3. Ratification List
  4. Inv. Nos. 701-TA-423-425 and 731-TA-964, 966-970, 973-978, 980, and 982-983 (Final)(Certain Cold-Rolled Steel Products from Argentina, Belgium, Brazil, China, France, Germany, Korea, the Netherlands, New Zealand, Russia, South Africa, Spain, Taiwan, Turkey, and Venezuela)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before October 28, 2002.)
  5. Outstanding action jackets: none.
- In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: October 8, 2002.

By order of the Commission:

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 02-26072 Filed 10-9-02; 10:52 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF LABOR

### Employment Standards Administration; Wage and Hour Division

#### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

#### New General Wage Determination Decision

The number of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and related Acts" are listed by Volume and States:

##### Volume II

Delaware

DE020011 (Oct. 11, 2002)

#### Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

##### Volume I

None

##### Volume II

Delaware

DE020001 (Mar. 1, 2002)

DE020002 (Mar. 1, 2002)

DE020006 (Mar. 1, 2002)

DE020008 (Mar. 1, 2002)

DE020009 (Mar. 1, 2002)

DE020010 (Mar. 1, 2002)

Pennsylvania

PA020006 (Mar. 1, 2002)

##### Volume III

None

##### Volume IV

None

##### Volume V

None

##### Volume VI

None

##### Volume VII

None

#### General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at [www.access.gpo.gov/davisbacon](http://www.access.gpo.gov/davisbacon). They are also available electronically by subscription to the Davis-Bacon Online Service (<http://davisbacon.fedworld.gov>) of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1-800-363-2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage