SUPPLEMENTARY INFORMATION: The Commission’s original investigation in this matter was terminated on June 2, 1999, with a finding of violation of section 337 by 26 respondents by reason of importation or sales after importation of certain lens-fitted film packages (LFFPs) (i.e., disposable cameras) that were found to infringe one or more claims of 15 patents held by complainant Fuji Photo Film Co. (Fuji). 64 FR 30541 (June 8, 1999). The Commission issued a general exclusion order, prohibiting the importation of LFFPs that infringe any of the claims at issue, and issued cease and desist orders to twenty domestic respondents. Id.

Three respondents appealed the part of the Commission’s determination that concerned refurbished cameras to the U.S. Court of Appeals for the Federal Circuit. No party appealed the Commission’s determination concerning newly-manufactured cameras.

On June 27, 2001, Fuji filed a “Complaint for Enforcement Proceedings Under Rule 210.75, Petition for Modification Under Rule 210.76 and/or Request for Advisory Opinion Under Rule 210.79.” Fuji’s enforcement complaint asserted 22 claims contained in nine utility patents and named twenty entities as respondents. Fuji later withdrew its complaint as to three of the respondents. Fuji’s complaint concerns only newly-manufactured cameras that were not the subject of the appeal to the Federal Circuit. On July 31, 2001, the Commission instituted advisory opinion and enforcement initial determination (EID). 63 FR 40721 (August 3, 2001).

On May 2, 2002, the ALJ issued his IAO and EID in which he made 59 separate infringement determinations involving seven patents, 13 respondents, and 28 different types of accused LFFPs. He also recommended the penalties to be assessed against the respondents who were found to have violated the general exclusion order (GEO) or cease and desist orders that were issued in the original investigation. Eight petitions for review of the IAO and/or EID violation issues were filed on May 16, 2002. Responses were filed on May 24, 2002. On June 7, 2002, Fuji filed a supplemental brief concerning the application of intervening Supreme Court precedent, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., 122 S.Ct. 1831 (May 28, 2002), to the issue of infringement under the doctrine of equivalents. The Commission determined not to review the remainder of the IAO and EID. The Commission also requested comments on the ALJ’s penalty recommendations. Comments were filed by Fuji, the Commission investigative attorney (IA), and respondents Argus Industries, Inc. and Photo Works, Inc. Response comments were filed by Fuji, the IA, Argus, PhotoWorks, Achiever Industries, Ltd., Highway Holdings, Ltd., The Message Group, Inc., and VastFame Camera Ltd. Ad-Tek Specialties, Inc. filed an affidavit.

On October 24, 2002, the ALJ issued a supplemental IAO and EID in which he determined that the application of the Festo decision did not change his earlier determination that VastFame camera models VN99 and VN991 did not infringe claim 9 of U.S. Patent No. 4,972,649 (the ‘649 patent) under the doctrine of equivalents. Fuji filed a petition for review of the supplemental IAO and EID. VastFame opposed Fuji’s petition. The Commission, having examined the petition for review, and the response thereto determined not to review the findings of the supplemental IAO and EID on the issue of infringement of claim 9 of the ‘649 patent in view of the Supreme Court decision, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., 122 S.Ct. 183.

The Commission also received written submissions from the parties that addressed the EID’s recommendations on civil penalties, the effect of the cease and desist orders recommended in the EID on the public interest, and the amount of bond that should be imposed during the 60-day Presidential review period concerning the cease and desist orders. Having reviewed the record in this investigation, including the written submissions of the parties, the Commission determined: (1) To issue cease and desist orders to defaulted respondents American, Inc.; Camera Custom Design a/k/a Title the Moment Inc.; CS Industries a/k/a PLF Inc.; and Pennmax, Inc. to prevent them from engaging in unfair acts in the importation and sale of lens-fitted film packages from inventory; (2) that the public interest factors enumerated in subsection (f) of section 337 do not preclude the issuance of the aforementioned cease and desist orders, and that the bond during the Presidential review period shall be in the amount of 100 percent of the entered value in question in subsection (g); (3) to levy civil penalties against Argus Industries, Inc. in the amount of $480,000, Ad-Tek Specialties, Inc., in the amount of $380,000, Penmax, Inc. to prevent them from engaging in unfair acts in the importation and sale of lens-fitted film packages from inventory; (4) to impose civil penalties against Argus Industries, Inc. in the amount of $300,000; and Ad-Tek Specialties, Inc., in the amount of $200,000, and PhotoWorks, Inc. in the amount of $1.6 million for violations of cease and desist orders that the Commission issued at the completion of the Lens-Fitted Film Packages investigation.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and sections 210.75 and 210.79 of the Commission’s Rules of Practice and Procedure (19 CFR 210.75 and 210.79).

Issued: May 19, 2003
By order of the Commission.
Marilyn R. Abbott,
Secretary to the Commission.

[FR Doc. 03–12937 Filed 5–22–03; 8:45 am]

BILLING CODE 7020–02–P

UNITED STATES INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1022 (Final)]

Refined Brown Aluminum Oxide From China


ACTION: Scheduling of the final phase of an antidumping investigation.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigation No. 731–TA–1022 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act) to determine whether an industry 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 less-than-fair-value imports from China of refined brown aluminum oxide, provided for in subheading 2818.10.20 of the Harmonized Tariff Schedule of the United States. 1

For further information concerning the conduct of this phase of the investigation, hearing procedures, 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 C (19 CFR part 207).


FOR FURTHER INFORMATION CONTACT: Jim McClure (202–205–3191), Office of

1 For purposes of this investigation, the Department of Commerce has defined the subject merchandise as “ground, pulverized or refined artificial corundum, also known as brown aluminum oxide or brown fused alumina, in grit size of ½ inch or less. Excluded from the scope of the investigation is crude artificial corundum in which particles with a diameter greater than ½ inch constitute at least 50 percent of the total weight of the entire batch. The scope includes brown artificial corundum in which particles with a diameter greater than ½ inch constitute less than 50 percent of the total weight of the batch.”
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
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)
SUPPLEMENTARY INFORMATION:
Background.—The final phase of this
investigation is being scheduled as a
result of an affirmative preliminary
determination by the Department of
Commerce that imports of refined
brown aluminum oxide from China are
being sold in the United States at less
than fair value within the meaning of
section 733 of the Act (19 U.S.C. 1673b).
The investigation was requested in a
petition filed on November 20, 2002, by
Washington Mills Company, Inc., North Grafton, MA.2
Participation in the investigation and
public service list.—Persons, including
industrial users of the subject
merchandise and, if the merchandise
is sold at the retail level, representative
consumer organizations, wishing to
participate in the final phase of this
investigation as parties must file an
entry of appearance with the Secretary
to the Commission, as provided in
sections 201.6(b)(2), 201.13(f), and
207.22 of the Commission’s rules.
Hearing.—The Commission will hold a
hearing in connection with the final
phase of this investigation beginning at
9:30 a.m. on September 23, 2003, at the
U.S. International Trade Commission
Building. Requests to appear at the
hearing should be filed in writing with the
Secretary to the Commission on or
before September 15, 2003. A nonparty
who has testimony that may aid the
Commission’s deliberations may request
permission to present a short statement
at the hearing. All parties and
nonparties desiring to appear at the
hearing and make oral presentations
should attend a prehearing conference
to be held at 9:30 a.m. on September 18,
2003, at the U.S. International Trade
Commission Building. Oral testimony
and written materials to be submitted at
the public hearing are governed by
sections 201.6(b)(2), 201.13(f), and
207.24 of the Commission’s rules.
Parties must submit any request to
present a portion of their hearing
testimony in camera no later than 7
days prior to the date of the hearing.
Written submissions.—Each party
who is an interested party shall submit
a prehearing brief to the Commission.
Prehearing briefs must conform with the
provisions of section 207.23 of the
Commission’s rules; the deadline for
filing is September 17, 2003. Parties
may also file written testimony in
connection with their presentation at
the hearing, as provided in section
207.24 of the Commission’s rules, and
posthearing briefs, which must conform
with the provisions of section 207.25 of
the Commission’s rules. The deadline
for filing posthearing briefs is
September 30, 2003; witness testimony
must be filed no later than three days
before the hearing. In addition, any
person who has not entered an
appearance as a party to the
investigation must submit a written
statement of information pertinent to
the subject of the investigation on or

2 On November 27, 2002, the petition was
amended to include two additional petitioners, C–
E Minerals, King of Prussia, PA, and Treibacher
Schleifmittel Corporation, Niagara Falls, NY.

application is made no later than 21
days prior to the hearing date specified
in this notice. Authorized applicants
must represent interested parties, as
defined by 19 U.S.C. 1677(9), who are
parties to the investigation. A party
granted access to BPI in the preliminary
phase of the investigation need not
reaply for such access. A separate
service list will be maintained by the
Secretary for those parties authorized
to receive BPI under the APO.
Staff report.—The prehearing staff
report in the final phase of this
investigation will be placed in the
nonpublic record on September 10,
2003, and a public version will be
issued thereafter, pursuant to section
207.22 of the Commission’s rules.

Authority: This investigation is being
conducted under authority of title VII of the
Tariff Act of 1930; this notice is published
pursuant to section 207.21 of the
Commission’s rules.

Issued: May 19, 2003.

Marilyn R. Abbott,
Secretary to the Commission.

[FR Doc. 03–12936 Filed 5–22–03; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE
COMMISSION

Summary of Commission Practice
Relating to Administrative Protective
Orders

AGENCY: International Trade
Commission.

ACTION: Summary of Commission
practice relating to administrative
protective orders.

SUMMARY: Since February 1991, the U.S.
International Trade Commission
(“Commission”) has issued an annual
report on the status of its practice with
respect to violations of its
administrative protective orders
(“APOs”) in investigations under Title
VII of the Tariff Act of 1930 in response
to a direction contained in the
Conference Report to the Customs and