

Los Angeles County

Lincoln Park Historic District, Roughly
bounded by McKinley Ave., Towne Ave.,
Pasadena St. and Garey Ave., Pomona,
03001347

San Luis Obispo County

Atascadero Printery, 6351 Olmeda,
Atascadero, 03001355

IOWA**Johnson County**

Henyon-Kasper-Duffy Barn, 2520 IA 1 NE.,
Solon, 03001348

Story County

Old Town Historic District, (Home for
Science and Technology: Ames, IA MPS)
Bet. Duff and Clark Ave., and 7th and 9th
Sts., Ames, 03001349

MINNESOTA**Winona County**

Winona High School and Winona Junior
High School, 166 and 218 W. Broadway
St., Winona, 03001350

NEW MEXICO**Dona Ana County**

Rio Grande Theatre, 211 N. Downtown Mall,
Las Cruces, 03001352

Valencia County

La Capilla de San Antonio de Los Lentes,
(Religious Properties of New Mexico MPS)
Los Lentes Rd., Los Lentes, 03001351

NEW YORK**Rensselaer County**

Petersburgh United Methodist Church, 12
Head of Lane Rd., Petersburgh, 03001354
Sand Lake Baptist Church, 2960 NY 43,
Averill Park, 03001353

[FR Doc. 03-30929 Filed 12-15-03; 8:45 am]

BILLING CODE 4312-51-P

**INTERNATIONAL TRADE
COMMISSION**

[Inv. No. 337-TA-474]

**Certain Recordable Compact Discs
and Rewritable Compact Discs; Notice
of Commission Decision To Review
Portions of an Initial Determination
Finding No Violation of Section 337 of
the Tariff Act of 1930**

AGENCY: U.S. International Trade
Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that
the U.S. International Trade
Commission has determined to review
portions of the presiding administrative
law judge's ("ALJ's") final initial
determination ("ID") and to affirm ALJ
Order No. 32.

FOR FURTHER INFORMATION CONTACT:
Clara Kuehn, Esq., Office of the General

Counsel, U.S. International Trade
Commission, 500 E Street, SW.,
Washington, DC 20436, telephone (202)
205-3012. Copies of the public version
of the ALJ's final 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. 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) at <http://edis.usitc.gov>. Hearing-impaired
persons are advised that information on
this matter can be obtained by
contacting the Commission's TDD
terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The
Commission instituted this investigation
on July 26, 2002, based on a complaint
filed by U.S. Philips Corporation of
Tarrytown, NY ("Philips" or
"complainant"). 67 FR 48,948 (2002).
The complaint, as supplemented,
alleged violations of section 337 of the
Tariff Act of 1930 in the importation
into the United States, the sale for
importation, and the sale within the
United States after importation of
certain recordable compact discs and
rewritable compact discs by reason of
infringement of certain claims of six
U.S. patents: claims 1, 5, and 6 of U.S.
Patent No. 4,807,209; claim 11 of U.S.
Patent No. 4,962,493; claims 1, 2, and 3
of U.S. Patent No. 4,972,401; claims 1,
3, and 4 of U.S. Patent No. 5,023,856;
claims 1-5, and 6 of U.S. Patent No.
4,999,825; and claims 20, 23-33, and 34
of U.S. Patent No. 5,418,764. 67 FR
48,948 (2002).

The notice of investigation named 19
respondents, including GigaStorage
Corporation Taiwan of Hsinchu,
Taiwan; GigaStorage Corporation USA
of Livermore, California (collectively,
"GigaStorage"); and Linberg Enterprise
Inc. ("Linberg") of West Orange, New
Jersey. 67 FR 48,948 (2002). On August
14, 2002, the ALJ issued an ID (Order
No. 2) granting a motion to intervene as
respondents by Princo Corporation of
Hsin-Chu, Taiwan, and Princo America
Corporation of Fremont, California
(collectively, "Princo"). That ID was not
reviewed by the Commission.
GigaStorage, Linberg, and Princo
("respondents") are the only remaining
active respondents in this investigation.
See ALJ Order No. 6 (an unreviewed ID
terminating eight respondents on the

basis of a consent order); ALJ Order No.
17 (an unreviewed ID terminating each
of three respondents on the basis of a
consent order and settlement
agreement); ALJ Order No. 18 (an
unreviewed ID terminating one
respondent on the basis of a consent
order and settlement agreement); and
ALJ Order No. 21 (an unreviewed ID
finding four respondents in default).

On April 7, 2003, the ALJ issued an
ID (ALJ Order No. 20) granting
complainant's unopposed motion for
summary determination that Linberg,
GigaStorage, and Princo have each sold
for importation, imported, and/or sold
after importation products accused of
infringing one or more of the asserted
patent claims. That ID was not reviewed
by the Commission.

A tutorial session was held on June 3,
2003, and an evidentiary hearing was
held from June 10, 2003, through June
20, 2003.

On June 30, 2003, the ALJ issued an
order (ALJ Order No. 32) granting a
motion *in limine* filed by respondents to
preclude complainant from asserting the
doctrine of unclean hands with respect
to respondents' affirmative defense of
patent misuse.

The ALJ issued his final ID on
October 24, 2003. Although he found
that none of the asserted claims are
invalid, that the accused products
infringe the asserted claims, and that the
domestic industry requirement of
section 337 has been satisfied, he found
no violation of section 337 because he
concluded that all of the asserted
patents are unenforceable by reason of
patent misuse.

On November 5, 2003, complainant
Philips petitioned for review of the
portion of the final ID that found the
asserted patents unenforceable due to
patent misuse, and also appealed ALJ
Order No. 32. On the same day,
respondents filed a paper entitled
"Statement of Respondents Princo
Corp., Princo America Corp.,
Gigastorage Corp. Taiwan, Gigastorage
Corp. USA, and Linberg Enterprises,
Inc. Regarding the Initial
Determination," in which respondents
urged the Commission to adopt the ID
in its entirety. Respondents and the IA
filed responses to complainant's
petition for review.

On December 8, 2003, the ALJ issued
his recommended determination on
remedy and bonding.

Having reviewed the record in this
investigation, including the parties'
written submissions, the Commission
determined to affirm ALJ Order No. 32
and to review the ID's findings of fact
and conclusions of law concerning
patent misuse. The Commission has