

By order of the Commission.

**Donna R. Koehnke,**  
Secretary.

[FR Doc. 97-22051 Filed 8-19-97; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-400]

### Certain Telephonic Digital Added Main Line Systems, Components Thereof, and Products Containing the Same; Notice of Investigation

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

**ACTION:** Institution of investigation pursuant to 19 U.S.C. § 1337.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 15, 1997, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Raychem Corporation, 300 Constitution Drive, Menlo Park, CA 94025. A supplement to the complaint was filed on August 7, 1997. The complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain telephonic digital added main line systems, components thereof, and products containing the same by reason of infringement of claims 1-7 of U.S. Letters Patent 5,459,729, claims 1, 3-11 and 14-16 of U.S. Letters Patent 5,459,730, and claims 1-5, 7-11 of U.S. Letters Patent 5,473,613. The complaint further alleges that there exists an industry in the United States as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is 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, S.W., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

**FOR FURTHER INFORMATION CONTACT:** Thomas S. Fusco, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2571.

## Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR § 210.10 (1996).

## Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on August 12, 1997, Ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation is instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain telephonic digital added main line systems, components thereof, and products containing the same by reason of infringement of claims 1-7 of U.S. Letters Patent 5,459,729, claims 1, 3-11 and 14-16 of U.S. Letters Patent 5,459,730, or claims 1-5, 7-11 of U.S. Letters Patent 5,473,613, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Raychem Corporation, 300 Constitution Drive, Menlo Park, CA 94025.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

ECI Telecom, Ltd., 30 Hasivim Street, P.O.B. 3083, Petah Tikva, 49130, Israel

ECI Telecom, Inc., 927 Fern Street, Altamonte Springs, FL 32701.

(c) Thomas S. Fusco, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW, Room 401-O, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR § 210.13. Pursuant to 19 CFR §§ 201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20

days after the date of service by the Commission of the complaint and notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: August 13, 1997.

By order of the Commission.

**Donna R. Koehnke,**  
Secretary.

[FR Doc. 97-22054 Filed 8-19-97; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-391]

### Certain Toothbrushes and the Packaging Thereof; Notice of Commission Determination Not To Review an Initial Determination Finding Respondent Giftline International Corporation in Default; Request for Written Submissions on the Issues of 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 not to review an initial determination (ID) of the presiding administrative law judge (ALJ) in the above-captioned investigation finding respondent Giftline International Corporation (Giftline) in default, and to have waived its rights to appear, to be served with documents, and to contest the allegations at issue in the investigation.

**FOR FURTHER INFORMATION CONTACT:** Anjali K. Hansen, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3117.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on November 22, 1996, based on a complaint filed by The Procter & Gamble Company (P&G) concerning allegations of unfair acts in violation of section 337 in the importation and sale of certain toothbrushes covered by U.S. Letters Patent Des. 328,392. The complaint, as amended, also alleged copyright infringement by certain respondents, but those allegations were subsequently withdrawn from the investigation.

The complaint and notice of investigation were served on all respondents, but respondent Giftline failed to respond to the complaint and notice of investigation in the manner required by Commission rule 210.13(b). On March 7, 1997, complainant P&G filed a motion for an order for Giftline to show cause why it should not be found in default for failure to respond to the amended complaint and notice of investigation pursuant to Commission rule 210.16. The Commission investigative attorney filed a response in support of the motion, and respondents Shummi Enterprise Co., Ltd. and Shumei Industrial Co., Ltd. filed a response stating that they do not oppose the motion. On July 2, 1997, the presiding ALJ issued an order (Order No. 5) directing Giftline to show cause why it should not be found in default by July 14, 1997. Giftline failed to make such a showing. Accordingly, on July 23, 1997, the ALJ issued an ID (Order No. 9) finding Giftline in default pursuant to Commission rule 210.16 and ruling that Giftline had waived its right to appear, to be served with documents, and to contest the allegations at issue in the investigation. No party petitioned for review of the subject ID.

In connection with 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 acts in the importation and sale of such articles. 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 are likely to do so. For background, see the Commission Opinion in *In the Matter of Certain*

*Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. 2843 (December 1994).

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 (other than Giftline), interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the July 2, 1997, recommended determination of 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. The written submissions and proposed remedial orders must be filed no later than the close of business on September 8, 1997. Reply submissions must be filed no later than the close of business on September 15, 1997. 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 19 C.F.R. § 201.6. Documents for which confidential treatment is granted by the Commission will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

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 210.42 and 210.50 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42 and 210.50).

Copies of the 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, S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal at 202-205-1810.

Issued: August 14, 1997.

By order of the Commission.

**Donna R. Koehnke,**  
Secretary.

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## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-376]

### Certain Variable Speed Wind Turbines and Components Thereof; Notice of Commission Determinations Concerning Federal Circuit Remand Question and Respondents' Motion To Show Cause and Petition for Rescission of Limited Exclusion Order

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that, in response to an order issued by the U.S. Court of Appeals for the Federal Circuit ("the Federal Circuit") on April 24, 1997 (the "remand order"), the U.S. International Trade Commission determined that the requirement of section 337(a)(3), 19 U.S.C. § 1337(a)(3), regarding the presence of a domestic industry is satisfied by the domestic activities of Zond and the domestic activities of the companies licensed by Zond to practice the invention of claim 131 of U.S. Letters Patent 5,083,039.