

[www.usitc.gov](http://www.usitc.gov)). The public record for this investigation may be viewed on the Commission's electronic docket (EDISON-LINE) at <http://dockets.usitc.gov/eol/public>.

**SUPPLEMENTARY INFORMATION:**

**Background.**—This investigation is being instituted in response to a petition filed on March 6, 2001, by Rezolex, Ltd., Co., Las Cruces, NM.

**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 antidumping 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 March 26, 2001, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Larry Reavis (202-205-3185) not later than March 22, 2001, to arrange for their appearance. Parties in support of the imposition of antidumping 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 March 30, 2001, 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: March 7, 2001.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 01-6339 Filed 3-13-01; 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 Not To Review an Initial Determination Terminating the Investigation as to One Patent**

**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 the presiding administrative law judge's ("ALJ's") initial determination ("ID") terminating U.S. Letters Patent

5,940,459 from the above-captioned investigation, based on the withdrawal of allegations of infringement relating to that patent.

**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. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.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. The public record for this investigation may be viewed on the Commission's electronic docket (EDISON-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, claims 1-4, 7-8, and 11-15 of U.S. Letters Patent 5,931,950, claims 1, 2, 10, and 15-17 of U.S. Letters Patent 4,841,561, and claims 1, 6-7, 10-12, and 15-19 of U.S. Letters Patent 5,940,459 ("the '459 patent").

On February 5, 2001, the complainant PCTEL filed a motion for partial termination of this investigation as to its claims of infringement of the '459 patent. On February 15, 2001, the Commission investigative attorney filed a response supporting the motion. On February 16, 2001, the ALJ issued an ID (Order No. 16) granting the motion. No petitions for review of the ID were filed.

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 section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

Copies of the public versions of the subject IDs, 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.

By order of the Commission.

Issued: March 7, 2001.

**Donna R. Koehnke,**  
Secretary.

[FR Doc. 01-6338 Filed 3-13-01; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-452]

### In the Matter of Certain Personal Watercraft and Components Thereof; Notice of Investigation

**AGENCY:** 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 February 6, 2001, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Yamaha Hatsudoki Kabushiki Kaisha, dba Yamaha Motor Company, Ltd. of Iwata, Japan and Sanshin Kohyo Kabushiki Kaisha, dba Sanshin Industries Company, Ltd. of Hamamatsu, Japan. A supplement to the complaint was filed on February 26, 2001. The complaint, as supplemented, 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 personal watercraft and components thereof by reason of infringement of claims 1-5 and 9-12 of U.S. Letters Patent 5,752,867; claims 1, 2, 3, 8, 11, 15, 18, 19, 21, 22, 41, 42, and 43 of U.S. Letters Patent 5,490,474; claims 1-11 of U.S. Letters Patent 5,619,950; claims 23-27 and 36-40 of U.S. Letters Patent 5,234,364; claims 19-24 of U.S. Letters Patent 5,572,943; claims 1, 2, 11, 12, 13, 16, 17, 19, 20, and 21 of U.S. Letters Patent 5,699,749; claim 9 of U.S. Letters Patent 5,550,337; claim 24 of U.S. Letters Patent 4,811,560; claim 1 of U.S. Letters Patent 4,813,898; claims 23, 40, and 41 of U.S. Letters Patent 5,390,621; and claims 1-9 of U.S. Letters Patent 4,949,684. The complaint further alleges that there exists an industry in the

United States as required by subsection (a)(2) of section 337.

The complainants request 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, SW., Room 112, Washington, DC 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. 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 at <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>.

**FOR FURTHER INFORMATION CONTACT:** T. Spence Chubb, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2575.

#### 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 (2000).

#### Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on March 8, 2001, *Ordered That*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be 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 personal watercraft or components thereof by reason of infringement of claims 1-5 or 9-12 of U.S. Letters Patent 5,752,867; claims 1-3, 8, 11, 15, 18, 19, 21, 22, 41, 42, or 43 of U.S. Letters Patent 5,490,474; claims 1-11 of U.S. Letters Patent 5,619,950; claims 23-27 or 36-40 of U.S. Letters Patent 5,234,364; claims 19-24 of U.S. Letters Patent 5,572,943;

claims 1, 2, 11, 12, 13, 16, 17, 19, 20, or 21 of U.S. Letters Patent 5,699,749; claim 9 of U.S. Letters Patent 5,550,337; claim 24 of U.S. Letters Patent 4,811,560; claim 1 of U.S. Letters Patent 4,813,898; claims 23, 40, or 41 of U.S. Letters Patent 5,390,621; or claims 1-9 of U.S. Letters Patent 4,949,684; 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 complainants are—
- Yamaha Hatsudoki Kabushiki Kaisha, dba Yamaha Motor Company, Ltd., 2500 Shingai, Iwata, Shizuoka 438-8501, Japan
  - Sanshin Kohyo Kabushiki Kaisha, dba Sanshin Industries Company, Ltd., 1400 Nipashi, Hamamatsu, Shizuoka 432-8528, Japan
- (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:
- Bombardier Inc., 800 Rene-Levesque Blvd. West, Montreal, Quebec, Canada H3B 1Y8
  - Bombardier Motor Corporation of America, 7575 Bombardier Court, P.O. Box 8035, Wausau, Wisconsin 54402-8035

(c) T. Spence Chubb, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401-F, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Debra Morriss 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