

Toshiba Corporation, 1-1, Shibaura 1-Chome, Minato-ku, Tokyo 105-8001, Japan.

Toshiba America Information Systems, Inc., 9740 Irvine Boulevard, Irvine, CA 92618.

VIZIO, Inc., 39 Tesla, Irvine, CA 92618.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate 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)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation 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 as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: January 5, 2012.

By order of the Commission.

**James R. Holbein,**

*Secretary to the Commission.*

[FR Doc. 2012-301 Filed 1-10-12; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-743]

### Investigations: Terminations, Modifications and Rulings: Certain Video Game Systems and Controllers

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part and affirm the final initial determination of the administrative law judge that no violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), has been shown in the above-captioned investigation. The investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:**

Clark S. Cheney, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2661. Copies of non-confidential 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 November 5, 2010, based on a complaint filed by Motiva, LLC of Dublin, Ohio ("Motiva"). 75 FR 68379 (Nov. 5, 2010). The complaint alleged 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 video game systems and controllers by reason of infringement of claims 16, 27-32, 44, 57, 68, 81, and 84 of U.S. Patent No. 7,292,151 and claims 1-6 and 8-15 of U.S. Patent No. 7,492,268. The complaint named Nintendo Co., Ltd. of Kyoto, Japan and Nintendo of America, Inc. of Redmond, Washington (collectively, "Nintendo") as the only respondents.

On November 2, 2011, the administrative law judge ("ALJ") issued his final initial determination ("ID") in this investigation finding no violation of section 337. Specifically, the ALJ found that the accused products do not infringe the asserted patents. The ALJ also determined that Motiva had not proven that a domestic industry exists or is in the process of being established with respect to the two asserted patents.

On November 15, 2011, complainant Motiva and the Commission investigative attorney ("IA") filed petitions for review of portions of the ID. On November 23, 2011, respondent Nintendo filed a response to both petitions and the IA filed a response to Motiva's petition.

Having examined the record of this investigation, including the ALJ's final ID and the parties' submissions, the Commission has determined to deny the petitions for review. The Commission has further determined to review two issues in the ID on its own initiative: (1) A statement in the ID connecting the relevant level of skill in the art to the skill of the inventors, and (2) the relevant time frame for considering whether a domestic industry exists or is in the process of being established. Upon review, the Commission has issued an opinion relating to those two issues. The Commission has determined not to review the remainder of the ID, thus affirming the ALJ's determination of no violation of section 337. The investigation is terminated.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

Issued: January 5, 2012.

By order of the Commission.

**James R. Holbein,**

*Secretary to the Commission.*

[FR Doc. 2012-302 Filed 1-10-12; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Michael P. Trinski and Michael G. Hogan*, Case No. 07-C-3600, was lodged with the United States District Court for the Northern District of Illinois on December 28, 2011.

This proposed Consent Decree concerns a complaint filed by the United States against Michael P. Trinski and Michael G. Hogan, pursuant to Section 301(a) of the Clean Water Act, 33 U.S.C. 1311(a), to obtain injunctive relief from and impose civil penalties against the Defendants for discharging dredged or fill material into waters of the United States without a permit. The proposed Consent Decree requires payment of a civil penalty and donation