

asserted claims of the '141 patent (claims 1–6 and 23). *Id.* at 69–105. The ID further found that Respondents failed to show by clear and convincing evidence that the asserted claims are invalid for lack of written description (*Id.* at 169–204), enablement (*Id.* at 205–250), anticipation (*Id.* at 153–169), or for reciting ineligible subject matter under 35 U.S.C. 101 (*Id.* at 250–269). Finally, the ID found that Brita proved the existence of a domestic industry that practices the '141 patent as required by 19 U.S.C. 1337(a)(2). *Id.* at 105–117, 269–285.

The ID included the ALJ's recommended determination on remedy and bonding ("RD"). The RD recommended, should the Commission find a violation, issuance of a limited exclusion order against all respondents and cease and desist orders against the PUR Respondents and LifeStraw. ID/RD at 258–291. The RD also recommended imposing a bond in the amount of one hundred percent (100%) of entered value for PUR's and ZeroWater's infringing products imported during the period of Presidential review and \$6 per unit for infringing LifeStraw products imported during the period of Presidential review. *Id.* at 291–295.

On March 13, 2023, Respondents and Brita filed respective petitions for review of the ID. On March 21, 2023, the parties filed responses to the petitions.

On May 24, 2023, Respondents moved for leave to file a notice of supplemental authority regarding their petition for review. Specifically, Respondents sought to submit the recent U.S. Supreme Court decision in *Amgen Inc. v. Sanofi*, No. 21–757 (May 18, 2023), as being directly relevant to the lack of enablement of the asserted. On June 28, 2023, the Commission issued a Notice granting the motion. 88 FR 42951 (July 5, 2023).

In its Notice on June 28, 2023, the Commission also determined to review the final ID in part. *Id.* at 42950–53. Specifically, the Commission determined to review the following findings: (1) construction of the claim term "filter usage lifetime claimed by a manufacturer or seller of the filter," (2) written description, (3) enablement, (4) section 101, (5) anticipation, and (6) the economic prong of the domestic industry requirement. The Commission requested the parties to brief certain issues under review and to brief the issues of remedy, the public interest, and bonding. *Id.*

On July 14, 2023, the parties filed initial submissions in response to the Commission's request for briefing. On July 21, 2023, the parties filed reply submissions. The parties also filed a

number of motions and oppositions, which we address below.

On July 24, 2023, Complainant Brita filed a motion to strike waived arguments and new evidence in Respondents' Reply in Response to the Commission Notice of Review. On August 3, 2023, Respondents filed an opposition to the motion. On August 8, 2023, Brita moved for leave under Commission Rule 210.15(c) to file a reply to Respondents' opposition. On August 18, 2023, Respondents filed an opposition to Brita's motion. The Commission has determined to grant in part Brita's motion as it pertains to introducing new dictionary definitions for "validate" and "claim" for being waived. The Commission has determined to otherwise deny the motion. The Commission has further determined to deny Brita's motion for leave to file a reply to Respondents' opposition as unnecessary.

Upon review of the parties' submissions, the ID, and evidence of record, the Commission has determined that Brita has failed to show that Respondents violated section 337 by reason of the importation and sale of articles that infringe asserted claims 1–6 and 23 of the '141 patent. Specifically, on review, the Commission has determined to (1) vacate the ID's construction of the claim term "filter usage lifetime claimed by a manufacturer or seller of the filter" and finds the claim limitation indefinite, (2) reverse the ID's finding that the asserted claims are not invalid for lack of written description, (3) reverse the ID's findings that the asserted claims are enabled, (4) take no position on the ID's section 101 analysis and findings, (5) take no position on the ID's anticipation analysis and findings, and (6) take no position on the ID's findings on the economic prong of the domestic industry requirement. The Commission's reasoning is set forth in its opinion issued herewith.

The investigation is hereby terminated with a finding of no violation of section 337.

The Commission vote for this determination took place on September 19, 2023.

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).

By order of the Commission.

Issued: September 19, 2023.

Katherine Hiner,

Supervisory Attorney.

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INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint *Certain Smart Ceiling Fans, Components Thereof, and Associated Systems and Software, DN 3694*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://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 has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Wangs Alliance Corporation d/b/a WAC Lighting on September 20, 2023. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain smart ceiling fans, components thereof, and associated systems and software. The

complaint names as respondents: Minka Lighting, LLC of Newport News, VA; Tech Lighting LLC of Skokie, IL; and VC Brands, LLC of Skokie, IL. The complainant requests that the Commission issue a limited exclusion order and cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions

were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3694") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: September 21, 2023.

Katherine Hiner,

Supervisory Attorney.

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Training & Readiness Accelerator II

Notice is hereby given that, on July 11, 2023, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Training & Readiness Accelerator II ("TReX II") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership, nature and objective. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 4C North America, Inc., McLean, VA; Action Engineering LLC, Golden, CO; Ad hoc Research Associates LLC, Havre de Grace, MD; Adjacent Link LLC, Bridgewater, NJ; Advanced Simulation Technology, Inc., Herndon, VA; Applied Information Sciences, Inc., Reston, VA; Applied Intuition, Inc., Mountain View, CA; Applied Visual Technology, Inc., Orlando, FL; Assured Information Security, Inc., Rome, NY; BAE Systems Technology Solutions & Services, Inc., Rockville, MD; Barbaricum LLC, Washington, DC; Beacon Industries, Inc., Newington, CT; BUNDLAR LLC, Chicago, IL; CACI, Inc.—Federal, Chantilly, VA; Calspan, Inc., Buffalo, NY; Carahsoft Technology Corporation, Reston, VA; CDW Government LLC, Vernon Hills, IL; Chimaera Science LLC dba Adaptive Immersion Technologies, Tampa, FL; Compendium Federal Technology (CFT), Lexington Park, MD; Continuum Dynamics, Inc., Ewing, NJ; Creative Microsystems Corporation, Waitsfield, VT; Dark Wolf Solutions LLC, Herndon, VA; Decisive Edge LLC, Bradenton, FL; Design Interactive, Inc., Orlando, FL; Discovery Machine, Inc.,