

the appeal, vacating and remanding the Commission's final determination as it related to Deere European version self-propelled forage harvesters. *Bourdeau Bros. Inc. v. International Trade Commission*, 444 F.3d 1317 (Fed. Cir. 2006). The Court issued its mandate on May 22, 2006.

Upon consideration of this matter, the Commission has determined to (1) rescind the general exclusion order relating to Deere European version self-propelled forage harvesters issued in this investigation on May 14, 2004, and (2) rescind the cease and desist orders relating to Deere European version self-propelled forage harvesters issued in this investigation on May 14, 2004, and directed to Davey-Joans Tractor & Chopper Supermarket, Bourdeau Bros., Co-Ag LLC, J & T Farms, OK Enterprises, and Stanley Farms. The remaining remedial orders issued in this investigation remain in force. The Commission has also determined to remand the investigation to the presiding administrative law judge for proceedings consistent with the March 30, 2006, judgment of the *Federal Circuit in Bourdeau Bros., Inc. v. International Trade Commission*, 444 F.3d 1317 (Fed. Cir. 2006), including the issuance of a final initial determination on violation with respect to the subject gray market imports of Deere European version self-propelled forage harvesters.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, the Administrative Procedure Act, and part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

Issued: June 20, 2006.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E6-9973 Filed 6-23-06; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-538]

### In the Matter of Certain Audio Processing Integrated Circuits and Products Containing Same; Notice of Commission Decision To Remand a Portion of an Initial Determination Finding a Violation of Section 337, and To Extend the Target Date for Completion of the Investigation

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to remand a portion of the investigation to the presiding administrative law judge ("ALJ"). The Commission has also determined to extend the target date for completion of the investigation until September 15, 2006.

**FOR FURTHER INFORMATION CONTACT:** Steven W. Crabb, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-5432. Copies of the public version of the ALJ's initial determination ("ID") and all other nonproprietary 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 (EDISON-LINE) 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 April 18, 2005, based on a complaint filed on behalf of SigmaTel, Inc. ("complainant") of Austin, Texas. 70 FR 20172. The complaint alleged violations of section 337 in the importation into the United States, sale for importation, and sale within the United States after importation of certain audio processing integrated circuits and products containing same by reason of infringement of claim 10 of U.S. Patent No. 6,137,279 ("the '279 patent"), which was subsequently terminated pursuant to complainant's motion, and claim 13 of U.S. Patent No. 6,633,187 ("the '187 patent"). *Id.* The notice of investigation named Actions Semiconductor Co. of Guangdong, China ("Actions") as the only respondent.

On June 9, 2005, the ALJ issued an ID (Order No. 5) granting complainant's motion to amend the complaint and notice of investigation to add allegations of infringement of the previously asserted patents and to add an allegation of a violation of section 337 by reason of infringement of claims 1, 6, 9, and 13 of U.S. Patent No. 6,366,522 ("the '522

patent"). That ID was not reviewed by the Commission.

On October 13, 2005, the ALJ issued an ID (Order No. 9) granting complainant's motion to terminate the investigation as to the '279 patent. On October 31, 2005, the Commission determined not to review the ID.

On October 31, 2005, the ALJ issued an ID (Order No. 14) granting complainant's motion for summary determination that the importation requirement of section 337 has been satisfied. On November 1, 2005, the ALJ issued an ID (Order No. 15) granting complainant's motion for summary determination that complainant has satisfied the economic prong of the domestic industry requirement of section 337 for the patents in issue. Those IDs were not reviewed by the Commission.

On March 20, 2006, the ALJ issued his final ID and recommended determination on remedy and bonding. The ALJ concluded that there was a violation of section 337. Specifically, he found that claim 13 of the '187 patent was valid and infringed by Actions' accused product families 207X, 208X, and 209X. The ALJ also determined that claims 1, 6, 9, and 13 of the '522 patent were valid and infringed by Actions' accused product families 208X and 209X.

On April 3, 2006, respondent Actions petitioned for review of portions of the final ID. On April 10, 2006, complainant SigmaTel and the Commission investigative attorney ("IA") filed responses in opposition to the petition for review.

On April 17, 2006, respondent Actions filed a motion for leave to file a reply to complainant SigmaTel's response to Actions' petition for review. On April 19, 2006, complainant SigmaTel filed a motion in opposition to Actions' motion. The Commission determined to deny Actions' motion for leave to file a reply.

On May 5, 2006, the Commission determined to review the ALJ's construction of a claim limitation of the '522 patent, infringement of the '522 patent, and whether SigmaTel met the technical prong of the domestic industry requirement in regard to the '522 patent. 71 FR 27512 (May 11, 2006). The Commission also determined to review the ALJ's claim construction of the term "memory" in claim 13 of the '187 patent. *Id.* The Commission declined to review the remainder of the ID. *Id.*

On May 15, 2006, the IA filed its brief on the issues under review and on remedy, the public interest, and bonding. On May 16, 2006, both SigmaTel and Actions filed briefs on the

issues under review and on remedy, the public interest, and bonding.

On May 17, 2006, SigmaTel filed a motion to strike portions of Actions' initial brief concerning the issues under review or in the alternative for an extension of two days to respond. On May 19, 2006, Actions filed an opposition to SigmaTel's motion to strike. Also on May 19, 2006, the Chairman of the Commission granted the motion for the two-day extension, thus rendering the motion to strike moot.

On May 24, 2006, all parties filed responses to the initial briefs concerning the issues under review and on remedy, the public interest, and bonding.

Having examined the record of this investigation, including the ALJ's final ID and the submissions of the parties, the Commission has (1) determined to reverse the ALJ's construction of the claim phrase "produce the system clock control signal and power supply control signal based on a processing transfer characteristic of the computation engine" and provide as its own construction that both the system clock control signal and the power supply control signal are required to be produced during operation of the integrated circuit such that the voltage and the frequency of the integrated circuit are adjusted based on a processing transfer characteristic, but that the processing transfer characteristic is not determined in any particular manner; (2) determined to remand this investigation in part to the ALJ for the purpose of determining whether the accused products utilizing the version 952436 firmware infringe the '522 patent under the Commission's claim construction; (3) determined with respect to the accused products that do not use the version 952436 firmware, that the ALJ made sufficient findings to find infringement of the asserted claims of the '522 patent under our claim construction, and to adopt his findings with respect to those products; (4) determined that SigmaTel's 35XX products satisfy the technical prong of the domestic industry requirement with regard to the '522 patent under the Commission's claim construction; (5) determined to delete the term "firmware" from the ALJ's construction of the claim term "memory" in claim 13 of the '187 patent; (6) determined to defer addressing issues relating to remedy, public interest, and bonding, for both the '187 patent and the '522 patent until after the ALJ issues his initial determination on remand regarding the '522 patent; and (7) determined to extend the target date in

the investigation until September 15, 2006.

Further, the Commission has determined not to consider Actions' discussion in its submissions on the issues under review with respect to the '187 patent because this discussion is outside the scope of the Commission's review.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.45 and 210.51 of the Commission's Rules of Practice and Procedure (19 CFR 210.45, 210.51).

Issued: June 19, 2006.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701-TA-309-A-B and 731-TA-696 (Second Review)]**

### Pure and Alloy Magnesium From Canada and Pure Magnesium From China

#### Determinations

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the countervailing duty orders on pure and alloy magnesium from Canada would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

With respect to China, revocation of the antidumping duty order on pure magnesium would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

#### Background

With respect to Canada, the Commission instituted the reviews on July 1, 2005 (70 FR 38199) and determined on October 4, 2005 that it would conduct full reviews (70 FR 60108, October 14, 2005). With respect to China, the Commission instituted the review on September 1, 2005 (70 FR 52122) and determined on December 5,

<sup>1</sup>The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

2005 that it would conduct a full review (70 FR 75483, December 20, 2005).

Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on January 12, 2006 (71 FR 2065). The hearing was held in Washington, DC, on April 25, 2006, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these reviews to the Secretary of Commerce on June 26, 2006. The views of the Commission are contained in USITC Publication 3859 (June 2006), entitled *Pure and Alloy Magnesium from Canada and Pure Magnesium from China: Investigation Nos. 701-TA-309-A-B and 731-TA-696 (Second Review)*.

Issued: June 21, 2006.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 731-TA-678, 679, 681, and 682 (Second Review)]**

### Stainless Steel Bar From Brazil, India, Japan, and Spain

**AGENCY:** United States International Trade Commission.

**ACTION:** Scheduling of full five-year reviews concerning the antidumping duty orders on stainless steel bar from Brazil, India, Japan, and Spain.

**SUMMARY:** The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the antidumping duty orders on stainless steel bar from Brazil, India, Japan, and Spain would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

**DATES:** *Effective Date:* June 20, 2006.