

Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. 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-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on May 17, 2001, based on a complaint filed on behalf of Minnesota Mining and Manufacturing Company (now called 3M Company) and 3M Innovative Properties Company (collectively complainants), both of St. Paul, Minnesota. 66 FR 27535 (2001). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation, sale for importation, and sale after importation of certain gel-filled wrist rests and products containing same that infringe certain claims of U.S. Letters Patent 5,713,544 ("the '544 patent"). The Commission named as respondents Velo Enterprise Co. Ltd., Taiwan; Aidma Enterprise Co. Ltd. ("Aidma"), Taiwan; Good Raise Chemical Industry Co., Ltd. ("Good Raise"), Taiwan; ACCO Brands, Inc., Lincolnshire, Illinois; Curtis Computer Products Inc. ("Curtis"), Provo, Utah; Allsop, Inc. ("Allsop"), Bellingham, Washington; American Covers Inc., Draper, Utah; and Gemini Industries ("Gemini"), Clifton, New Jersey. The complaint and notice of investigation were later amended to add Crown Vast Development Ltd. and Hornleon Company, Ltd. ("Hornleon") both of Taiwan as respondents. On October 22, 2001, the presiding administrative law judge ("ALJ") issued an initial determination ("ID"), Order No. 6, granting complainants' unopposed motion to terminate the investigation with respect to respondent Gemini on the basis of a consent order. On January 9, 2002, the ALJ issued an ID, Order No. 12, finding respondents Good Raise and Aidma in default. On May 15, 2002, the ALJ issued an ID, Order No. 15, granting complainants' unopposed motion to terminate the investigation with respect to respondent Curtis on the basis of a consent order. On May 21, 2002, the ALJ issued an ID, Order No. 16, granting complainants' unopposed motion to terminate the investigation with respect to respondent Allsop on the basis of a consent order. None of these IDs was reviewed by the Commission. The ALJ held an evidentiary hearing from January 14,

2002, to January 18, 2002. On July 24, 2002, the ALJ issued his final ID in which he found no infringement of the claims of the "544 patent at issue, and hence no violation of section 337. He also found that complainants had failed to demonstrate satisfaction of the technical prong of the domestic industry requirement of section 337 for the "544 patent, and that the claims in issue of the "544 patent are invalid due to obviousness and failure to disclose the best mode of practicing the invention. The ALJ also found that the claims in issue of the "544 patent are not invalid due to anticipation, indefiniteness, lack of a written description or the lack of enablement, or improper joinder or non-joinder of inventors; that the "544 patent is not unenforceable due to inequitable conduct before the U.S. Patent and Trademark Office; and that complainants are not barred from asserting the "544 patent due to equitable estoppel. The ALJ noted that respondent Hornleon did not respond to the complaint and notice of investigation or provide written discovery in this investigation, although a representative of the firm appeared and testified at a deposition. Hornleon neither appeared at the hearing nor filed briefs. However, complainants did not move to find Hornleon in default. The ALJ thus found no violation of section 337 with respect to Hornleon, and no party contested that finding. All parties filed petitions for review and subsequently responded to each other's petitions. On September 9, 2002, the Commission determined to review: (1) The ID's construction of the asserted claims of the "544 patent; (2) the ID's infringement conclusions; (3) the ID's validity conclusions with regard to obviousness and failure to disclose best mode of practice; and (4) the ID's conclusion with respect to the technical prong of the domestic industry requirement.

The Commission determined not to review the remainder of the ID. In accordance with the Commission's instructions, the parties filed their main briefs on September 23, 2002, and reply briefs on September 30, 2002. Having examined the record in this investigation, including the briefs and the responses thereto, the Commission determined that there is no violation of section 337. More specifically, the Commission found that the domestic products of complainants do not practice any claim of the "544 patent, and thus the technical prong of the domestic industry requirement of section 337 is not met in this investigation. The Commission also

found that the accused imported wrist rests, except the Jelly Mouse product, infringe the asserted claims of the "544 patent, and that the "544 patent is not invalid due to obviousness or failure to disclose the best mode of practicing the invention. This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and sections 210.45-210.51 of the Commission's rules of practice and procedure, 19 CFR 210.45-210.51.

By order of the Commission.

Issued: November 25, 2002.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 02-30372 Filed 11-29-02; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

November 20, 2002.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King on 202-693-4129 or E-Mail: [King-Darrin@dol.gov](mailto:King-Darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503 (202-395-7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

*e.g.*, permitting electronic submission of responses.  
 Agency: Employment and Training Administration (ETA).  
 Title: Reporting for Temporary Extended Unemployment Compensation Program.

OMB Number: 1205-0433.  
 Affected Public: State, Local, or Tribal Government.  
 Type of Response: Reporting.  
 Number of Respondents: 53.

ANNUALIZED REPORTING BURDEN

Form	Frequency	Annual responses	Average response time (hours)	Total annual burden hours
ETA-207 .....	Quarterly .....	212	0.5	106
ETA-218 .....	Quarterly .....	212	0.2	42
ETA-227 .....	Quarterly .....	212	1.0	212
ETA-2112 .....	Monthly .....	636	0.2	127
ETA-5130 .....	Monthly .....	636	1.0	636
ETA-5159 .....	Monthly .....	636	1.0	636
ETA-539 .....	Weekly .....	2,756	0.01	28
Total: .....	.....	5,300	.....	1,787

Total Burden Cost (capital/startup): \$ 0.  
 Total Burden Cost (operating/maintaining): \$ 0.

Description: On March 9, 2002, President Bush signed into law the Temporary Extended Unemployment Compensation (TEUC) program. This program provides up to 26 weeks of

additional unemployment benefits to eligible claimants who have exhausted their regular entitlement. This is a temporary, federally funded program enacted through December 31, 2002. To properly administer and monitor this program, specific information is required from states. The information

requested through these reports are necessary to properly administer the program and interpretation of labor market conditions. Approval is not being sought for any new forms, but rather, approval is being sought for an additional use of the following existing forms:

Report	OMB No.	Expiration date
ETA 207 .....	1205-0150	10/31/2004
ETA 218 .....	1205-0177	07/31/2004
ETA 227 .....	1205-0173	11/30/2003
ETA 2112 .....	1205-0154	01/31/2003
ETA 5130 .....	1205-0172	10/31/2004
ETA 5159 .....	1205-0010	03/31/2003
ETA 539 .....	1205-0028	07/31/2003

Ira L. Mills,  
 Departmental Clearance Officer.  
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- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: Employment and Training Administration (ETA).  
 Type of Review: New collection.  
 Title: Local Area Survey of Self-directed Labor Exchange Services.  
 OMB Number: 1205-ONEW.  
 Affected Public: State, Local, or Tribal Government.  
 Type of Response: Reporting.  
 Frequency: Twice over three years.  
 Number of Respondents: 605.  
 Annual Responses: 605.  
 Average Response Time: 30 minutes.