

EXHIBIT 4

Sanders Saws, Honey Brook, PA; Terra Diamond, Salt Lake City, UT; and Western Saw, Inc., Oxnard, CA.

On June 20, 2006, the Commission determined, by a vote of 4 to 2, that a U.S. industry was not materially injured or threatened with material injury by reason of imports of diamond sawblades and parts thereof from China and Korea.⁵ Notice of those determinations was published on July 11, 2006. 71 FR 39128. The Commission transmitted its determinations to the Secretary of Commerce on June 30, 2006. The Commission's views were contained in USITC Publication 3862 (July 2006), entitled *Diamond Sawblades and Parts Thereof from China and Korea*, Investigation No. 731-TA-1092-1093 (Final).

Petitioner DSMC appealed the Commission's negative final determinations to the U.S. Court of International Trade ("CIT"). On February 6, 2008, the CIT remanded the determinations to the Commission for further proceedings, having found that certain findings of the Commission were not supported by substantial evidence. *Diamond Sawblades Manufacturers Coalition v. United States*, Slip Op. 08-18 (Ct. Int'l Trade 2007) ("*Sawblades I*"). On remand, the Commission determined, by a vote of 3 to 3, that a U.S. industry was threatened with material injury by reason of imports of subject imports of diamond sawblades and parts thereof from China and Korea.⁶ Pursuant to 19 U.S.C. 1677(11), the tie vote is considered an affirmative determination of the Commission.

On January 13, 2009, the CIT affirmed the Commission's affirmative determinations on remand. *Diamond Sawblades Manufacturers Coalition v. United States*, Slip Op. 09-05 (Ct. Int'l Trade 2009) ("*Sawblades II*"). On January 22, 2009, the Commission notified Commerce of the Court's decision, stating that it was a decision "not in harmony with" with the Commission's original negative determinations. As required by 19 U.S.C. 1516a(c) and *Timken Company v. United States*, 893 F.2d 337 (Fed. Cir. 1990), Commerce published notice of the CIT's decision and suspended liquidation for entries of the subject

merchandise after the effective date of the Timken notice until the end of all appellate proceedings. *Notice of Court Decision Not In Harmony*, 74 FR 6570 (Feb. 10, 2009). The Commission did not publish notice of its remand determinations at that time because the remand determinations would, under the statute, only become its final determinations upon conclusion of all appellate proceedings in the action. 19 U.S.C. 1516a(c) & (e); 28 U.S.C. § 2643(c); *Co-Steel Raritan, Inc. v. U.S. International Trade Commission*, 357 F.3d 1294, 1302, n.3, & 1304-05 (Fed. Cir. 2004); *Hosiden Corp. v. United States*, 85 F.3d 589, 590-91 (Fed. Cir. 1996); *Timken*, 893 F.2d at 339-340.

On March 13, 2009, respondent parties Saint Gobain Abrasives, Inc. and Ehwa Diamond Industrial Co., Ltd. appealed the decisions in *Sawblades I* and *Sawblades II* to the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit"). On July 6, 2010, the Federal Circuit affirmed the CIT's decision in *Sawblades I* and *Sawblades II*. *Diamond Sawblades Manufacturers Coalition v. United States*, 2009-1274, -1275 (Fed. Cir. 2010). No party applied to the U.S. Supreme Court for a writ of certiorari for that decision.

Since the deadline for filing a writ of certiorari to the Supreme Court has expired, all appellate proceedings relating to the merits of the Commission's determinations have ended. *Fujitsu General America, Inc. v. United States*, 283 F.3d 1364, 1379 (Fed. Cir. 2002). Accordingly, the Commission publishes notice of its final determinations in the antidumping investigations of diamond sawblades and parts thereof from China and Korea.

By order of the Commission.
Issued: November 2, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010-28153 Filed 11-5-10; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-745]

In the Matter of Certain Wireless Communication Devices, Portable Music and Data Processing Devices, Computers and Components Thereof; Notice of Investigation

AGENCY: U.S. 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 October 6, 2010, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Motorola Mobility, Inc., Libertyville, Illinois. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wireless communication devices, portable music and data processing devices, computers and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,272,333 ("the '333 patent"); U.S. Patent No. 6,246,862 ("the '862 patent"); U.S. Patent No. 6,246,697 ("the '697 patent"); U.S. Patent No. 5,359,317 ("the '317 patent"); U.S. Patent No. 5,636,223 ("the '223 patent"); and U.S. Patent No. 7,751,826 ("the '826 patent"). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and a 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) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Kevin G. Baer, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2221.

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 (2010).

Scope of Investigation: Having considered the complaint, the U.S.

⁵ Commissioners Aranoff and Hillman dissented, having determined that an industry in the United States was threatened with material injury by reason of LTFV imports of diamond sawblades and parts thereof from China and Korea.

⁶ Chairman Aranoff, who dissented in the original negative determination, and Commissioners Williamson and Pinkert, who had commenced their service as Commissioners in the intervening time, voted in the affirmative. On remand, Vice Chairman Pearson and Commissioners Okun and Lane voted in the negative.

International Trade Commission, on November 2, 2010, 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 wireless communication devices, portable music and data processing devices, computers and components thereof that infringe one or more of claim 12 of the '333 patent; claim 1 of the '862 patent; claims 1–4 of the '697 patent, claims 1 and 17 of the '317 patent, claim 1 of the '223 patent; and claim 1 of the '826 patent, and whether an industry in the United States exists 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 complainant is: Motorola Mobility, Inc., 600 North US Highway 45, Libertyville, Illinois 60048.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Apple Inc., 1 Infinite Loop, Cupertino, California 95014.

(c) The Commission investigative attorney, party to this investigation, is Kevin G. Baer, Esq., 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 Honorable Paul J. Luckern, 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 respondent 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 the 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: November 3, 2010.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010–28150 Filed 11–5–10; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

Notice is hereby given that on September 27, 2010, a Consent Decree in *United States of America, et al. v. Bristol Township*, Civil Action No. 10–5049, was lodged with the United States District Court for the Eastern District of Pennsylvania. The United States and the Commonwealth of Pennsylvania also filed claims pursuant to the Clean Water Act, 33 U.S.C. 1251 *et seq.* and the Pennsylvania Clean Streams Law, 35 P.S. §§ 691.1 *et seq.* The proposed Consent Decree relates to the operation of the publicly owned treatment works in Bristol Township, and obligates the Township to implement a series of immediate reforms, repairs and upgrades to more accurately assess the function of its collection system. With these tools, the consent decree requires the Township to perform a wide variety of short-, medium, and long-term studies to assess what additional capital improvements will be required. Once these studies are reviewed and approved by EPA and the Pennsylvania Department of Environmental Protection (PADEP), the consent decree requires that the capital improvements be completed in accordance with schedules that it establishes. The consent decree, which resolves the claims brought by the State and Federal plaintiffs, also obligates the Township to pay a civil penalty of \$226,000 and establishes a sliding scale of stipulated penalties in case Bristol does not come into compliance with the conditions of its permit.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments

relating to this proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, Attention: Nancy Flickinger (EES), and should refer to *United States, et al. v. Bristol Township*, Civil Action No. 10–5049, DOJ # 90–5–1–1–09460.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Eastern District of Pennsylvania, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19016. The consent decree also may be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$ 16.75 (25 cents per page reproduction cost for a full copy) payable to the U.S. Treasury.

Maureen Katz, Assistant Chief

*Environmental Enforcement Section,
Environment and Natural Resources Division.*

[FR Doc. 2010–28108 Filed 11–5–10; 8:45 am]

BILLING CODE 4410–15–P

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. Century Homebuilders, LLC*, No. 1:09–CV–22258, was lodged with the U.S. District Court for the Southern District of Florida on November 1, 2010.

The proposed Consent Decree concerns a First Amended Complaint filed by the United States of America against Century Homebuilders, LLC, formerly known as Century Builders Group, LLC; Century Partners Group, Ltd.; Century Homebuilders of South Florida, LLC; and Cesar E. Llano to obtain injunctive relief and civil penalties against the defendants for violating Department of the Army Permit Number 200106379 (IP–KBH) and section 301(a) of the Clean Water