

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MAGNETIC DATA
STORAGE TAPES AND CARTRIDGES
CONTAINING SAME (II)**

Investigation No. 337-TA-1076

**NOTICE OF COMMISSION DETERMINATION 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 (“Commission”) has determined to extend the target date for completion of this investigation to June 6, 2019.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. 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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s Electronic Docket Information System (“EDIS”) (<https://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 25, 2017, based on a complaint filed by FUJIFILM Corporation of Tokyo, Japan and FUJIFILM Recording Media U.S.A., Inc. of Bedford, Massachusetts (collectively, “Fujifilm”). 82 FR 49421-22 (Oct. 25, 2017). The complaint alleges violations of 19 U.S.C. 1337, as amended (“Section 337”), in the importation into the United States, sale for importation, and sale within the United States after importation of certain magnetic data storage tapes and cartridges containing same that allegedly infringe one or more asserted claims of U.S. Patent Nos. 6,630,256 (“the ’256 patent”); 6,835,451 (“the ’451 patent”); 7,011,899 (“the ’899 patent”); 6,462,905 (“the ’905 patent”); and 6,783,094 (“the ’094 patent”). *Id.* The notice of investigation named Sony Corporation of Tokyo, Japan; Sony Storage Media Solutions Corporation of Tokyo, Japan; Sony Storage Media Manufacturing Corporation of Miyagi, Japan; Sony DADC US Inc.

of Terre Haute, Indiana; and Sony Latin America Inc. of Miami, Florida as respondents. *Id.* The Office of Unfair Import Investigations (“OUII”) was also named a party to the investigation. *Id.*

The Commission previously terminated the investigation as to the ’094 patent and certain claims of the ’905, ’256, ’451, and ’899 patents. Comm’n Notice (Apr. 17, 2018) (*aff’g* Order No. 11); Comm’n Notice (July 9, 2018) (*aff’g* Order No. 17).

On October 25, 2018, the presiding administrative law judge (“ALJ”) issued the final initial determination (“ID”), which found Sony in violation of Section 337 by way of infringing the ’256 and ’899 patents. The ID found no infringement and hence no violation with respect to ’905 or ’451 patents. The ID recommended issuance of a limited exclusion order and cease and desist orders.

The parties filed their respective petitions for review on November 9, 2018, and their responses on November 20, 2018. On March 15, 2019, the Commission issued a notice of its determination to review the ID in part with respect to the ’256, ’899, and ’905 patents but not the ’451 patent. The parties filed their initial responses to the Commission’s questions on review on March 29, 2019, and their replies on April 5, 2019.

Under the present schedule, the target date for completion of this investigation is May 14, 2019. Comm’n Notice (Feb. 5, 2019). The Commission has determined to extend the target date for completion of this investigation to June 6, 2019.

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 Section 210.51 of the Commission’s Rules of Practice and Procedure (19 CFR 210.51).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton", with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: May 6, 2019