

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Investigation No. 337-TA-1076

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A MOTION TO TERMINATE IN PART AS TO
CERTAIN CLAIMS OF U.S. PATENT NO. 6,835,451**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 22) granting a motion to terminate the above-captioned investigation in part as to certain claims of U.S. Patent No. 6,835,451 based on withdrawal of allegations.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-708-2301. 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, S.W., Washington, D.C. 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 (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 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 section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain magnetic data storage tapes and cartridges containing the same by reason of infringement of certain 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 complaint further alleges that a domestic industry exists in the United States. The notice of investigation named as respondents 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 (collectively, “Sony”). *Id.* The Office of Unfair Import Investigations (“OUII”) also was named as 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. Order No. 11 (Mar. 19, 2018) (unreviewed Notice (Apr. 17, 2018)); Order No. 17 (June 7, 2018) (unreviewed Notice (July 9, 2018)).

On July 3, 2018, Fujifilm filed a motion to terminate the investigation in part as to claims 1, 4, and 7-9 of the ’451 patent. The motion indicated that Sony and OUII do not oppose the motion. No responses were received.

On July 5, 2018, the ALJ issued the subject ID granting the motion pursuant to Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)). The ID finds that no extraordinary circumstances exist that would prevent the requested partial termination of the investigation. No petitions for review were filed.

The Commission has determined not to review the subject ID.

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.



Lisa R. Barton
Secretary to the Commission

Issued: July 27, 2018