

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN AUTOMATED MEDIA LIBRARY  
DEVICES**

**Investigation No. 337-TA-746**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN  
INITIAL DETERMINATION GRANTING BDT SOLUTIONS' MOTION FOR  
SUMMARY DETERMINATION OF NO VIOLATION OF SECTION 337**

**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. 31) granting BDT Solutions' motion for summary determination of no violation of section 337.

**FOR FURTHER INFORMATION CONTACT:** James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. 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 (<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>. 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:** This investigation was instituted on November 24, 2010, based upon a complaint filed on behalf of Overland Storage, Inc. of San Diego, California ("Overland Storage") on October 19, 2010, and supplemented on November 9, 2010. *75 Fed. Reg.* 71735. The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain automated media library devices by reason of infringement of certain claims of U.S. Patent No. 6,328,766 ("the '766 patent") and U.S. Patent No. 6,353,581 ("the '581 patent"). The complaint named as respondents BDT AG of Rottweil, Germany; BDT Solutions GmbH & Co. KG of Rottweil, Germany ("BDT-Solutions"); BDT Automation Technology (Zhuhai FTZ), Co., Ltd. of Zhuhai Guandang, China; BDT de Mexico, S. de R.L. de C.V., of Jalisco, Mexico; BDT Products, Inc., of Irvine, California; Dell Inc., of Round Rock, Texas; and International Business Machines Corp., of Armonk, New York.

On June 24, 2011, Respondent BDT-Solutions filed a motion for summary determination that it is not in violation of and has not violated section 337, stating that it does not import, sell for importation, or sell after importation in the United States any accused products. On July 6, 2011, Complainant Overland Storage filed a response in opposition.

On September 2, 2011, the ALJ issued an ID, Order No. 31, granting the motion for summary determination. No petitions for review were filed.

The Commission has determined not to review the subject ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and of section 210.42(h) of the Commission's Rules of Practice and Procedure (19 CFR § 210.42(h)).

By order of the Commission.

/s/  
James R. Holbein  
Secretary to the Commission

Issued: September 21, 2011