

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN OPTICAL DISC DRIVES,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-897

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO THE
APPLICATION OF CERTAIN ASSERTED PATENTS TO CERTAIN PRODUCTS OF
CERTAIN RESPONDENTS**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 100) granting the motions of complainant Optical Devices, LLC of Peterborough, New Hampshire ("Optical") to partially terminate the above-referenced investigation as to the application of certain patents to certain products of certain respondents based on a 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 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>. 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, 2013, based on a Complaint filed by Optical, as supplemented. 78 *Fed. Reg.* 64009-10 (Oct. 25, 2013). 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 optical disc drives, components thereof, and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 6,904,007 ("the '007 patent"); 7,196,979 ("the '979 patent");

8,416,651 (“the ’651 patent”); RE40,927; RE42,913; and RE43,681 the (’681 patent”). The Complaint further alleges the existence of a domestic industry. The Commission’s Notice of Investigation named as respondents Lenovo Group Ltd. of Quarry Bay, Hong Kong and Lenovo (United States) Inc., of Morrisville, North Carolina (collectively “Lenovo”); LG Electronics, Inc. of Seoul, Republic of Korea and LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey (collectively “LG”); Panasonic Corp. of Osaka, Japan and Panasonic Corporation of North America of Secaucus, New Jersey (collectively “Panasonic”); Samsung Electronics Co., Ltd. of Seoul, Republic of Korea and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey (collectively “Samsung”); and Toshiba Corporation of Tokyo, Japan and Toshiba America Information Systems, Inc. of Irvine, California (collectively “Toshiba”). The Office of Unfair Import Investigations was not named as a party to the investigation.

The Commission later terminated the investigation as to the application of numerous claims of the asserted patents to various of the named respondents. *See* Notice of Commission Determination Not to Review an Initial Determination Granting Complainant’s Motions to Partially Terminate the Investigation as to Certain Patents (Aug. 8, 2014). The Commission also later terminated the investigation with respect to Samsung based on a settlement agreement. *See* Notice of Commission Determination to Grant a Joint Motion to Terminate the Investigation as to Respondents [Samsung] on the Basis of a Settlement Agreement (Sept. 2, 2014).

On June 20, 2014, Optical filed a motion to partially terminate the investigation as to the application of claim 55 of the ’681 patent to certain products of respondents Samsung, LG, Panasonic, and Toshiba (collectively “Respondents”). On July 2, 2014, Respondents filed a response not opposing the motion.

On July 14, 2014, Optical filed a motion to partially terminate the investigation as to the application of the ’007, ’979, and ’651 patents to certain products of respondent Lenovo. No responses were filed.

On September 18, 2014, the ALJ issued the subject ID, granting pursuant to section 210.21(a)(1) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.21(a)(1)) Optical’s motion to terminate the investigation as to claim 55 of the ’681 patent to certain products of respondents LG, Panasonic, and Toshiba and Optical’s motion to terminate the investigation as to the application of the ’007, ’979, and ’651 patents to certain products of respondent Lenovo. The ALJ noted that the Commission previously terminated Samsung from the investigation and that Optical’s motion was thus moot with respect to Samsung. The ALJ found that there are no extraordinary circumstances that would prevent the partial termination of the investigation, and that partial termination is in the public interest.

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 C.F.R. Part 210).

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: October 7, 2014