

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MAGNETIC TAPE CARTRIDGES
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1036

**NOTICE OF COMMISSION DECISION NOT TO REVIEW
INITIAL DETERMINATIONS GRANTING COMPLAINANT'S UNOPPOSED
MOTIONS FOR PARTIAL TERMINATION OF THE INVESTIGATION BASED ON
WITHDRAWAL OF CERTAIN CLAIMS**

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 determinations ("IDs") (Order Nos. 20, 21) granting complainant's unopposed motions for partial termination based on withdrawal of claim 5 of U.S. Patent No. 7,016,137 ("the '137 patent"), claim 13 of U.S. Patent No. 6,896,959 ("the '959 patent"), claim 7 of U.S. Patent No. 7,115,331 ("the '331 patent"), and all other asserted claims of the '959 patent in the above-captioned investigation.

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 <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 TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 24, 2017, based on a complaint filed by Sony Corporation of Tokyo, Japan; Sony Storage Media and Devices Corporation of Tagajo, Japan ("SSMD"); Sony DADC US Inc. of Terre Haute, Indiana; and Sony Latin America Inc. of Miami, Florida (collectively, "Sony"), alleging a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"). 82 FR 8209-10 (Jan 24, 2017). The complaint, as supplemented, alleges violations of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 6,345,779; the '959 patent; the

'137 patent; and the '331 patent. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The notice of investigation names Fujifilm Holdings Corporation and Fujifilm Corporation, both of Tokyo, Japan; Fujifilm Holdings America Corporation of Valhalla, New York; and Fujifilm Recording Media U.S.A., Inc. of Bedford, Massachusetts (collectively, "Fujifilm") as respondents. *Id.* at 8210. The Office of Unfair Import Investigations is also named as a party. *Id.* On August 4, 2017, the ALJ issued Order No. 16, granting Sony's motion for leave to amend the complaint and notice of investigation to reflect a corporate reorganization of SSMD. On August 22, 2017, the Commission issued notice of its determination not to review Order No. 15.

On August 25, 2017, Sony moved to partially terminate the investigation based on the withdrawal of claim 5 of the '137 patent, claim 13 of the '959 patent, and claim 7 of the '331 patent. On August 31, 2017, Sony moved to partially terminate the investigation based on withdrawal of all asserted claims of the '959 patent.

On August 29, 2017, the ALJ issued Order No. 20, granting pursuant to Commission Rule 210.21(a) (19 CFR 210.21(a)) Sony's motion for partial termination based on the withdrawal of claim 5 of the '137 patent, claim 13 of the '959 patent, and claim 7 of the '331 patent. On September 1, 2017, the ALJ issued Order No. 21, granting pursuant to Commission Rule 210.21(a) (19 CFR 210.21(a)) Sony's motion for partial termination based on the withdrawal of all asserted claims of the '959 patent. Both IDs find that no extraordinary circumstances exist that would prevent the requested partial termination.

No petitions for review were filed and the Commission has determined not to review the subject IDs.

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.



Lisa R. Barton
Secretary to the Commission

Issued: September 25, 2017