

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

**In the Matter of**

**CERTAIN AUTOMATED MEDIA  
LIBRARY DEVICES**

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

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION EXTENDING THE TARGET DATE BY THREE MONTHS**

**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. 43) of the presiding administrative law judge (“ALJ”) extending the target date for completion of the above-captioned investigation by three months. The ALJ’s final initial remand determination (“RID”) will be due no later than March 27, 2013.

**FOR FURTHER INFORMATION CONTACT:** Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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 November 24, 2010, based upon a complaint filed by Overland Storage of San Diego, California (“Overland”) on October 19, 2010, and supplemented on November 9, 2010. *75 Fed. Reg.* 71735 (Nov. 24, 2010). The complaint alleged violations of Section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) 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 notice of investigation named as respondents BDT AG of Rottweil, Germany, BDT Automation Technology (Zhuhai FTZ), Co., Ltd. of Zhuhai Guandong, China, BDT de Mexico, S. de R.L. de C.V., of Jalisco, Mexico, and BDT Products, Inc., of Irvine, California; among others. The Office of Unfair Import Investigations was not named as a party.

On June 20, 2012, the ALJ issued his final ID, finding no violation of Section 337 with respect to any of the asserted claims of the asserted patents. Overland and the BDT Respondents each filed a petition for review of the ID, and timely responses. On August 20, 2012, the Commission determined to review the final ID in part and requested briefing on several issues it determined to review, and on remedy, the public interest and bonding. *77 Fed. Reg. 51573* (August 24, 2012).

On October 25, 2012, the Commission determined to remand the investigation to the ALJ with respect to the '766 patent to make findings concerning validity consistent with its opinion. The Commission also determined to remand the investigation to the ALJ with respect to the '581 patent to make findings concerning the economic prong of the domestic industry requirement consistent with its opinion. The Commission set the target date to March 25, 2013, and ordered the ALJ to issue his RID by December 25, 2012. The Commission issued its opinion on October 31, 2012.

On November 8, 2012, Overland timely filed a petition for reconsideration of the Commission's determination to affirm, with modified reasoning, the ALJ's finding of noninfringement of claims 10, 12 and 16 of the '581 patent. On November 13, 2012, the BDT Respondents filed a motion for leave to file out of time a petition for reconsideration and their petition. On November 21, 2012, Overland filed a motion for leave to file a reply in support of its petition for reconsideration.

On December 11, 2012, the Commission determined to grant Overland's petition for reconsideration, grant the BDT Respondents' motion for leave to file out of time a petition for reconsideration, deny the BDT Respondents' petition for reconsideration, and deny Overland's motion for leave to file a reply. In addition to the issues remanded to the ALJ in the Commission's Order dated October 25, 2012, the Commission also determined to remand the investigation to the ALJ to make findings regarding direct infringement and, if necessary, indirect infringement, of claims 10, 12 and 16 based on the existing record.

On December 18, 2012, the ALJ issued the subject ID, extending the target date from March 25, 2013 to June 25, 2013. The ALJ stated that the extension is necessary to afford him sufficient time to draft the RID while accommodating his docket and a number of additional commitments in the upcoming months. The ID also indicates that the RID will be due by March 27, 2013.

No petitions for review of this ID were filed. The Commission has determined not to review the 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 section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/  
Lisa R. Barton  
Acting Secretary to the Commission

Issued: January 9, 2013