

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 TO EXTEND THE DATE FOR
DETERMINING WHETHER TO REVIEW THE FINAL INITIAL DETERMINATION
AND THE TARGET DATE FOR COMPLETION OF THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined to extend the date for determining whether to review the final initial determination (“ID”) in this investigation to February 8, 2019. The Commission has also determined to extend the target date to April 9, 2019.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, DC 20436, telephone (202) 205-2382. 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 SW., Washington, DC 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 Information System (“EDIS”) (<https://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (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, sale for importation, and 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. *Id.* The Office of Unfair Import Investigations (“OUII”) was also named 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. Comm’n Notice (Apr. 17, 2018) (*aff’g* Order No. 11); Comm’n Notice (July 9, 2018) (*aff’g* Order No. 17).

The presiding administrative law judge (“ALJ”) held an evidentiary hearing from June 25-29, 2018. On October 25, 2018, the ALJ issued his final ID, in which he found Fujifilm in violation of Section 337 as to the ’256 and ’899 patents but not the ’905 or ’451 patents. The ALJ recommended that the Commission issue a limited exclusion order and cease and desist order. The parties, including OUII, filed their petitions for review on November 9, 2018, and their respective responses on November 20, 2018. The Commission extended the deadline for determining whether to review the ID to January 11, 2019, but did not extend the target date. Comm’n Notice (Nov. 19, 2018).

The Commission has determined to extend the date for determining whether to review the ID to February 8, 2019, and the target date to April 9, 2019.

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: December 11, 2018