

**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 TERMINATING THE INVESTIGATION AS TO CERTAIN  
CLAIMS OF U.S. PATENT NOS. 6,353,581 AND 6,328,766**

**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. 26) granting a motion of complainant Overland Storage, Inc. of San Diego, California ("Overland") for termination of the investigation as to claims 8, 11, and 17-19 of U.S. Patent No. 6,353,581 ("the '581 patent") and claims 6 and 11 of U.S. Patent No. 6,328,766 ("the '766 patent").

**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 November 24, 2010, based on a complaint filed by Overland, as supplemented by a letter dated November 9, 2010, alleging 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 the '581 patent and the '766 patent. *75 Fed. Reg.* 71735-36 (Nov. 24, 2010). The complainant named BDT AG of Rottweil, Germany; BDT-Solutions GmbH & Co. KG of Rottweil, Germany; BDT Automation Technology (Zhuhai FTZ), Co., Ltd. of Guangdong, China; BDT de México, 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 as respondents.

On August 12, 2011, Overland filed a motion for partial termination of the investigation with respect to claims 8, 11, and 17-19 of the '581 patent and claims 6 and 11 of the '766 patent. The motion indicated that the respondents did not oppose the motion.

On August 15, 2011, the ALJ issued the subject ID, granting Overland's motion to partially terminate the investigation with respect to claims 8, 11, and 17-19 of the '581 patent and claims 6 and 11 of the '766 patent pursuant to Commission Rule 210.21(a)(1) (19 C.F.R. § 210.21(a)(1)). No petitions for review 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/  
James R. Holbein  
Secretary to the Commission

Issued: August 26, 2011