

**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 GRANTING REQUEST BY THE
ADMINISTRATIVE LAW JUDGE FOR JUDICIAL ENFORCEMENT OF A
SUBPOENA *DUCES TECUM* AND *AD TESTIFICANDUM* DIRECTED TO
PARABELLUM CAPITAL LLC**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to grant a request by the presiding administrative law judge (“ALJ”) for judicial enforcement of a subpoena *ad testificandum* and *duces tecum* served on non-party Parabellum Capital LLC (“Parabellum”) of New York, New York, issued in this investigation and has authorized its Office of the General Counsel to seek such enforcement.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Esq., 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 Devices, LLC of Peterborough, New Hampshire. 78 *Fed. Reg.* 64009-10. The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims of the following U.S. Patent Nos. 6,904,007; 7,196,979; 8,416,651; RE40,927 (“the ’927 patent”); RE42,913 (“the ’913 patent”); 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”); Nintendo Co., Ltd. of Kyoto, Japan and Nintendo of America, Inc. of Redmond, Washington (collectively “Nintendo”); 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”); Toshiba Corporation of Tokyo, Japan and Toshiba America Information Systems, Inc. of Irvine, California (collectively “Toshiba”); and MediaTek, Inc. of Hsinchu City, Taiwan and MediaTek USA Inc. of San Jose, California (collectively “MediaTek”). The Commission later terminated the investigation as to the application of numerous claims of the asserted patents to various named respondents. *See* Comm’n Notice (August 8, 2014). The Commission also terminated the investigation with respect to Samsung, Panasonic, and Nintendo based on settlement agreements. *See* Notice (September 2, 2014); Notice (March 30, 2015). On December 4, 2014, the Commission terminated the investigation with respect to the ’927, ’913, and ’681 patents. *See* Notice (Dec. 4, 2014).

On March 6, 2015, respondents Lenovo, LG, Toshiba, and MediaTek (collectively “Respondents”) moved to obtain judicial enforcement of the subpoena *ad testificandum* and *duces tecum* (“subpoena”), which issued on January 29, 2015, to non-party Parabellum. On March 17, 2015, Parabellum filed a motion for an extension of time to respond, which the ALJ denied in Order No. 131 (March 19, 2015). Pursuant to Order No. 131, Parabellum filed a response on March 23, 2015.

On March 30, 2015, the ALJ issued Order No. 133, granting Respondents’ motion, and certified a request to the Commission for judicial enforcement of the subpoenas.

The Commission has granted the ALJ’s request and has authorized its Office of the General Counsel to seek judicial enforcement of the subpoena.

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 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: April 9, 2015