

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN OPTICAL DISC DRIVES,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME**

Inv. No. 337-TA-897

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of investigation pursuant to 19 U.S.C. § 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 3, 2013, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Optical Devices, LLC of Peterborough, New Hampshire. A letter supplementing the complaint was filed on September 20, 2013. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain optical disc drives, components thereof, and products containing the same by reason of infringement of U.S. Patent No. 6,904,007 (“the ‘007 patent”); U.S. Patent No. 7,196,979 (“the ‘979 patent”); U.S. Patent No. 8,416,651 (“the ‘651 patent”); U.S. Patent No. RE40,927 (“the ‘927 patent”); U.S. Patent No. RE42,913 (“the ‘913 patent”); and U.S. Patent No. RE43,681 (“the ‘681 patent”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone no. (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (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>.

FOR FURTHER INFORMATION CONTACT: The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205-1802.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2013).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on October 21, 2013, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain optical disc drives, components thereof, and products containing the same by reason of infringement of one or more of claims 9-11, 13, 15, and 16 of the '007 patent; claims 13 and 14 of the '979 patent; claims 1-4, 9-12, 17, 21, 25, 29-31, 35, and 36 of the '651 patent; claims 37-39 of the '927 patent; claims 51-53 of the '913 patent; and claims 54-59 and 65-69 of the '681 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant:

Optical Devices, LLC
20 Depot Street, Suite 2A
Peterborough, NH 03458

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Lenovo Group Ltd.
23rd Floor, Lincoln House
Taikoo Place, 979 King's Road
Quarry Bay, Hong Kong

Lenovo (United States) Inc.
1009 Think Place
Morrisville, NC 27560

LG Electronics, Inc.
LG Twin Towers 20
Yoido-dong, Youngdungpo-gu
Seoul, Republic of Korea 150-721

LG Electronics U.S.A., Inc.
1000 Sylvan Avenue
Englewood Cliffs, NJ 07632

Nintendo Co., Ltd.
11-1 Hokotate-cho, Kamitoba
Minami-ku, Kyoto 601-8501
Japan

Nintendo of America, Inc.
4600 150th Avenue, NE
Redmond, WA 98052-5113

Panasonic Corp.
1006, Oaza Kadoma
Kadoma-shi, Osaka 571-8501
Japan

Panasonic Corporation of North America
One Panasonic Way
Secaucus, NJ 07094

Samsung Electronics Co., Ltd.
1320-10, Seocho 2-Dong
Seocho-Gu
Seoul 137-857
Republic of Korea

Samsung Electronics America, Inc.
85 Challenger Road
Ridgefield Park, NJ 07660

Toshiba Corporation
1-1, Shibaura 1-chome, Minato-ku
Tokyo 105-8001
Japan

Toshiba America Information Systems, Inc.
9740 Irvine Boulevard
Irvine, CA 92618

MediaTek, Inc.
No. 1, Dusing Road 1
Hsinchu Science Park
Hsinchu City 30078
Taiwan

MediaTek USA Inc.
2860 Junction Avenue
San Jose, CA 95134

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Acting Secretary to the Commission

Issued: October 21, 2013