

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

**In the Matter of**

**CERTAIN MAGNETIC DATA  
STORAGE TAPES AND CARTRIDGES  
CONTAINING THE SAME**

**Investigation No. 337-TA-1012  
(Enforcement Proceeding)**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING COMPLAINANTS' UNOPPOSED MOTION TO  
TERMINATE THE ENFORCEMENT PROCEEDING AS TO CERTAIN PRODUCTS**

**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. 39) granting an unopposed motion of complainants Fujifilm Corporation of Tokyo, Japan, and Fujifilm Recording Media U.S.A., Inc. of Bedford, Massachusetts (collectively, "Fujifilm") to terminate the above-referenced investigation as to certain products..

**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 <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 the original investigation on July 1, 2016, based on a complaint filed by Fujifilm. 81 FR 43243-44 (July 1, 2016). Pertinent to this action, the complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), in the sale for importation, 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, *inter alia*, claims 1, 4-9, 11 and 14 of U.S. Patent No. 6,641,891 ("the '891 patent"). The Commission's Notice of Investigation named as respondents Sony Corporation of Tokyo, Japan, Sony Corporation of America of New York, New York, and Sony Electronics Inc. of San Diego, California (collectively, "the Sony

respondents”). The Office of Unfair Import Investigations (“OUII”) was also named as a party to the investigation.

On March 8, 2018, the Commission found a section 337 violation as to the ’891 patent and issued a limited exclusion order (“LEO”) and cease and desist orders (“CDOs”) to each of the Sony respondents. 83 FR 11245-47 (March 14, 2018). The LEO generally prohibits the Sony respondents from importing certain magnetic data storage tapes and cartridges containing the same that infringe the ’891 patent, with certain exceptions related to service and repair and verification testing. The CDOs prohibit the Sony respondents from importing, selling, marketing, advertising, distributing, transferring (except for exportation), and soliciting United States agents or distributors for.

On May 9, 2018, Fujifilm filed a complaint requesting that the Commission institute a formal enforcement proceeding under Commission Rule 210.75 to investigate alleged violation of the CDOs by the Sony Respondents, as well as Sony Storage Media Solutions Corporation, Sony Storage Media Manufacturing Corporation, Sony DADC US Inc., and Sony Latin America Inc. (collectively, “Sony”). On June 13, 2018, the Commission instituted the enforcement proceeding. 83 FR 27626-27 (June 13, 2018). OUII was also named as a party in the enforcement proceeding.

On July 24, 2018, Fujifilm filed a motion to terminate the enforcement proceeding as to Sony’s LTO-4, LTO-5, and LTO-6 products. Sony did not oppose the motion. On July 26, 2018, OUII filed a response supporting the motion.

On July 26, 2018, the ALJ issued the subject ID, granting Fujifilm’s motion to terminate the enforcement proceeding in part as to Sony’s LTO-4, LTO-5, and LTO-6 products. The ID finds that the motion complies with the requirements of Commission Rule 210.21(a)(1) (19 CFR 210.21(a)), stating that “there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.” The ID also finds that there are no extraordinary circumstances that would warrant denying the motion. No petitions for review of the subject ID were filed.

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: August 15, 2018