

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN MAGNETIC TAPE
CARTRIDGES AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1036

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING AN UNOPPOSED MOTION FOR PARTIAL
TERMINATION OF THE INVESTIGATION BASED ON WITHDRAWAL OF PATENT**

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 an initial determination (“ID”) (Order No. 45) of the presiding administrative law judge (“ALJ”) granting an unopposed motion for partial termination of the investigation based on the withdrawal of a patent.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. 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, 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 Investigation No. 337-TA-1036 on January 24, 2017, based on a complaint filed by Sony Corporation of Tokyo, Japan; Sony Storage Media and Devices Corporation of Miyagi, Japan; Sony DADC US Inc. of Terre Haute, Indiana; and Sony Latin America Inc. of Miami, Florida (collectively, “Complainants” or “Sony”). *See* 82 FR 8209-10 (Jan. 24, 2017). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain magnetic tape cartridges and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,345,779; U.S. Patent No. 6,896,959; U.S. Patent No. 7,016,137 (“the ’137 patent”); and U.S. Patent No. 7,115,331. *See id.* The notice of

institution named Fujifilm Holdings Corporation of Tokyo, Japan; Fujifilm Corporation of Tokyo, Japan; Fujifilm Holdings America Corporation of Valhalla, New York; and Fujifilm Recording Media U.S.A., Inc. of Bedford, Massachusetts as respondents in this investigation. *See id.* The Office of Unfair Import Investigations is also a party to this investigation. *See id.*

On December 1, 2017, pursuant to Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), Sony filed an unopposed motion for partial termination of the investigation based on the withdrawal of all asserted claims of the '137 patent (*Motion*). On December 6, 2017, the ALJ issued the ID (Order No. 45) granting Sony's Motion. In accordance with Commission Rule 210.21(a)(1), the ALJ noted that "there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of this Investigation." *See ID* at 1 (citing *Motion* at 2; 19 CFR 210.21(a)(1)). In addition, the ALJ found "no extraordinary circumstances preventing the requested partial termination of this Investigation." *See id.* at 2. The ALJ concluded that "Complainants have complied with the requirements of Commission Rule 210.21(a)," 19 CFR 210.21(a)(1), and granted Sony's motion. *See id.* No petition for review of the ID was 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 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: January 3, 2018