

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 EXTENDING THE TARGET DATE BY TWO WEEKS**

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. 36) of the presiding administrative law judge (“ALJ”) extending the target date by two weeks in the above-referenced investigation to May 26, 2012.

FOR FURTHER INFORMATION CONTACT: Jia Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-4737. 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 Storage, Inc. of San Diego, California (“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 U.S. Patent Nos. 6,328,766 and 6,353,581. 75 *Fed. Reg.* 71735-36 (Nov. 24, 2010). The complainant named BDT AG of Rottweil, Germany (“BDT AG”); BDT-Solutions GmbH & Co. KG of Rottweil, Germany (“BDT-Solutions”); BDT Automation Technology (Zhuhai FTZ), Co., Ltd. of Guangdong, China (“BDT China”); BDT de México, S. de R.L. de C.V. of Jalisco, Mexico

("BDT Mexico"); BDT Products, Inc. of Irvine, California ("BDT Products"); Dell Inc. of Round Rock, Texas ("Dell"); and International Business Machines Corp. of Armonk, New York ("IBM") as respondents. On September 2, 2011, the ALJ issued an ID, Order No. 31, granting respondent BDT-Solutions' motion for summary determination of no violation. The Commission determined not to review the ID. On November 21, 2011, Overland, IBM, and Dell filed a motion to terminate the investigation as to IBM and Dell on the basis of a settlement agreement. On December 5, 2011, the ALJ issued an ID, Order No. 35, granting the requested relief. On January 4, 2012, the Commission determined to review the ID and ordered Overland, IBM, and Dell to file with the Commission certain documentation referenced in the motion to terminate the investigation as to IBM and Dell. If on review the Commission were to terminate the investigation as to IBM and Dell, the only respondents remaining would be BDT-AG, BDT China, BDT Mexico, and BDT Products (collectively, "BDT").

On December 7, 2011, the ALJ issued the subject ID extending the target date in this investigation by two weeks from May 12, 2012 to May 26, 2012. The ALJ directed Overland and BDT to revise their post-hearing briefs to exclude issues pertaining only to settling respondents IBM and Dell, and to submit their revised briefs no later than December 19, 2011. As a result of the target date extension, the due date for the final ID on violation is January 26, 2012.

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: January 6, 2012