

PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C.

Before the Honorable Theodore R. Essex
Administrative Law Judge

In the Matter of

CERTAIN MAGNETIC TAPE
CARTRIDGES AND COMPONENTS
THEREOF

Inv. No. 337-TA-1036

COMPLAINANT SONY'S UNOPPOSED MOTION FOR AND MEMORANDUM IN SUPPORT OF LEAVE TO AMEND THE COMPLAINT AND NOTICE OF INVESTIGATION TO REFLECT A CORPORATE REORGANIZATION

Complainants Sony Corporation, Sony Storage Media and Devices Corporation,¹ Sony DADC US Inc., and Sony Latin America Inc. (collectively, “Sony” or “Complainants”), pursuant to Commission Rules 210.14(b)(1) and 210.15(a)(2), hereby submit this Unopposed Motion for and Memorandum of Law in Support of Leave to Amend the Complaint and Notice of Investigation to Reflect a Corporate Reorganization (the “Motion”) of Complainant Sony Storage Media and Devices Corporation. As explained in the Memorandum of Law, Sony has good cause to amend the Complaint and Notice of Investigation to reflect a reorganization of Sony Storage Media and Devices Corporation in which (i) certain business functions were transferred to a newly created subsidiary named Sony Storage Media Solutions and (ii) Sony Storage Media and Devices Corporation was renamed Sony Storage Media Manufacturing Corporation. Should Sony receive the requested leave, no prejudice will result to the public interest or any of the Respondents.

¹ As explained *supra*, effective April 1, 2017, Sony Storage Media and Devices Corporation was reorganized and renamed. In connection with the reorganization, Sony Storage Media and Devices Corporation was renamed Sony Storage Media Manufacturing Corporation and some of its functions were transferred to Sony Storage Media Solutions Corporation.

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Sony therefore respectfully requests that the Commission grant this Motion and that the name Sony Storage Media and Devices Corporation be amended to recite Sony Storage Media Manufacturing Corporation and Sony Storage Media and Devices Corporation.

GROUND RULE 3.2 CERTIFICATION

Counsel for Sony contacted counsel for Fujifilm Corporation, Fujifilm Holdings Corporation, Fujifilm Holdings America Corporation, and Fujifilm Recording Media U.S.A., Inc. (collectively, “Fujifilm” or “Respondents”) regarding this Motion. Counsel for Fujifilm and Staff have confirmed that they do not oppose this Motion.

Date: July 28, 2017

Respectfully submitted,

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COMPLAINANT SONY'S MEMORANDUM IN SUPPORT OF UNOPPOSED MOTION TO AMEND THE COMPLAINT AND NOTICE OF INVESTIGATION TO REFLECT A CORPORATE REORGANIZATION

Sony seeks leave to amend the Complaint and Notice of Investigation to reflect a reorganization of Sony Storage Media and Devices Corporation ("SSMD") in which (i) certain business functions were transferred to a newly created subsidiary named Sony Storage Media Solutions ("SSMS") and (ii) Sony Storage Media and Devices Corporation was renamed Sony Storage Media Manufacturing Corporation ("SSMM"). *See* Exhibit 1 (Original Confidential Complaint); *see also* Exhibit 2 (Proposed Amended Confidential Complaint with changes in redline).

I. STATEMENT OF FACTS

On December 15, 2016, Sony filed a complaint with the International Trade Commission pursuant to 19 U.S.C. § 1337 that the Commission instituted as Investigation 337-TA-1036 on January 18, 2017. *Certain Magnetic Tape Cartridges and Components Thereof Institution of Investigation*, 82 Fed. Reg. 8209 (Jan. 24, 2017). Sony identified SSMD as a complainant in the complaint and the Commission identified SSMD as a complainant in the subsequent Notice of Institution. *Id.* As a wholly owned subsidiary of Sony Corporation, SSMD was responsible for

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coordinating the operations of Sony's storage media and manufacturing business. *See* Sony Corp., *Announcement of Company Split* (Feb. 22, 2016), https://www.sony.net/SonyInfo/IR/news/20160222_002E.pdf.

Effective April 1, 2017, SSMD was reorganized and renamed. *See* Exhibit 3 (Confidential Letter to Business Partners concerning the reorganization of SSMD). Pursuant to the reorganization, responsibility for SSMD's business functions relating Sony's storage media products—including the Linear Tape Open (LTO) tape cartridge products relevant to this Investigation—was transferred to Sony Storage Media Solutions Corporation ("SSMS"), a newly established wholly-owned subsidiary of Sony Corporation. At the same time, SSMD was renamed Sony Storage Media Manufacturing Corporation ("SSMM"). SSMM is a wholly-owned subsidiary of SSMS.

As a result of the reorganization and name change, the operations previously performed by SSMD are now performed collectively by SSMS and SSMM. SSMS is responsible for, among other things, research and development, design, product planning, and marketing relating to Sony's magnetic tape media cartridge products. SSMM is responsible for certain manufacturing operations associated with Sony's tape cartridge products. The reorganization of SSMD did not affect ownership of the patents asserted by Sony in this Investigation (*i.e.*, U.S. Patent Nos. 6,345,779; 6,896,959; 7,016,137; and 7,115,331), all of which are owned by Sony Corporation.

II. THE PROPOSED AMENDMENT IS NECESSARY TO CLARIFY THE RECORD AND WILL RESULT IN NO PREJUDICE

Pursuant to Commission Rule 210.14(b)(1), once institution is noticed, "the complaint or notice of investigation may be amended only by leave of the Commission for good cause shown and upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties to the investigation." In light of the foregoing Statement of Facts, Sony has good

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