IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FUJIFILM Corporation, *et al.* 7-3 Akasaka 9-chome, Minato-ku, Tokyo 107-0052, Japan,

Complainants,

v.

Sony Corporation, *et al.* 1-7-1 Konan, Minato-ku Tokyo 108-0075, Japan, Misc. Action No. 18-mc-____

(On Application from U.S. International Trade Commission Investigation No. 337-TA-1012 (Enforcement Proceeding))

Respondents.

UNOPPOSED APPLICATION FOR THE ISSUANCE OF A DEPOSITION ORDER / COMMISSION UPON RECOMMENDATION OF THE U.S. INTERNATIONAL TRADE COMMISSION

FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. (collectively, "FUJIFILM"), the complainants in the above-captioned United States International Trade Commission ("U.S.I.T.C.") Investigation, hereby apply, unopposed, for the issuance of an Order/Commission on behalf of both FUJIFILM to obtain deposition testimony from employees of Sony Corporation, Sony Corporation of America, Sony Electronics Inc., Sony Storage Media Solutions Corporation, Sony Storage Media Manufacturing Corporation, Sony DADC US Inc., and Sony Latin America Inc. (collectively, "Sony"), the respondents in the above-captioned U.S.I.T.C. Investigation in Osaka, Japan. A Proposed Order is attached.

FUJIFILM moved the Honorable David P. Shaw, the Administrative Law Judge ("ALJ") in the above-captioned U.S.I.T.C. Investigation, to issue an order recommending that this Court issue the requested Deposition Order/Commission for the Taking of Depositions in Japan, requiring depositions of the stated individuals at the United States Consulate in Osaka, Japan. A copy of FUJIFILM's Unopposed Motion for Recommendation to the District Court for the

Case 1:18-mc-00097-ABJ Document 1 Filed 07/20/18 Page 2 of 28

District of Columbia to Issue an Order / Commission for the Taking of Depositions in Osaka, Japan ("Motion") is attached as Exhibit I. ALJ Shaw granted the Motion in Order No. 38. A signed copy of Order No. 38 is attached as Exhibit II.

The requested Order/Commission permits any consul or vice consul of the United States to take and transcribe the requested depositions in the United States Consulate in Osaka, Japan, and is necessary because the government of Japan strictly interprets Article 17 of the U.S. - Japan Consular Convention (*see* Consular Convention & Protocol, T.I.A.S. No. 5602, Art. 17(1)(e)(ii)-(iii) (Aug. 1, 1964)) as requiring a commission to be issued by a court in the United States. *See also* Fed. R. Civ. P. 28(b)(2). This Court has the authority to issue the requested Order/Commission pursuant to the All Writs Act, 28 U.S.C. § 1651. *See also In the Matter of Certain Magnetic Data Storage Tapes and Cartridge Containing the Same*, Misc. Action No. 1:16-mc-01887 (D.D.C. Sept. 7, 2016); *In the Matter of Certain Magnetic Data Storage Tapes and Cartridge Containing the Same*, Misc. Sept. 15, 2016).

FUJIFILM respectfully requests that this Court issue an Order/Commission on an expedited basis, in substantially the form of the enclosed Proposed Order. The urgency for the requested Order/Commission is necessitated by the deadlines within which the U.S. Consulate in Japan requires receipt of same, as well as the time frame within which international travel visas need to be applied for and secured.

Dated: July 20, 2018

Respectfully submitted,

Vermm C. Minin

Thomas C. Martin (D.C. Bar No. 986,325) Lisa M. Kattan Katharine Burke Baker Botts L.L.P. 1299 Pennsylvania Avenue, N.W. Washington, DC 20004-2400 Phone: (202) 639-7700 Fax: (202) 639-7890

Robert C. Scheinfeld Robert L. Maier Jennifer C. Tempesta Eric Faragi Jessica W. Lin Frank Zhu Baker Botts L.L.P. 30 Rockefeller Plaza New York, NY 10112 Phone: (212) 408-2500 Fax: (212) 408-2501

Syed Fareed BAKER BOTTS L.L.P. 98 San Jacinto Boulevard Suite 1500 Austin, TX 78701-4078 Phone: (512) 322-2500 Fax: (512) 322-2501

Attorneys for Complainants FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. Case 1:18-mc-00097-ABJ Document 1 Filed 07/20/18 Page 4 of 28

EXHIBIT I

Case 1:18-mc-00097-ABJ Document 1 Filed 07/20/18 Page 5 of 28

UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C.

Before the Honorable David P. Shaw Administrative Law Judge

In the Matter of

CERTAIN MAGNETIC DATA STORAGE TAPES AND CARTRIDGES CONTAINING THE SAME Investigation No. 337-TA-1012 (Enforcement Proceeding)

UNOPPOSED MOTION FOR RECOMMENDATION TO THE DISTRICT COURT FOR THE DISTRICT OF COLUMBIA TO ISSUE AN ORDER / COMMISSION FOR THE TAKING OF DEPOSITIONS IN OSAKA, JAPAN

Pursuant to 19 C.F.R. §§ 210.26 and 210.28, Complainants FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. (collectively "Fujifilm" or "Complainants") move for the Administrative Law Judge to issue the attached Recommendation (Attachment A), that the District Court for the District of Columbia issue an Order / Commission on behalf of Fujifilm to obtain deposition testimony from current employees of Respondents Sony Corporation, Sony Corporation of America, Sony Electronics Inc., Sony Storage Media Solutions Corporation, Sony Storage Media Manufacturing Corporation, Sony DADC US Inc., and Sony Latin America Inc. (collectively "Sony" or "Respondents"). Sony and the Staff have indicated they do not oppose this motion.

The Osaka depositions are scheduled to begin on or about August 27, 2018, at the U.S. Consulate in Osaka, Japan and are scheduled to take place until on or about September 11, 2018.

Case 1:18-mc-00097-ABJ Document 1 Filed 07/20/18 Page 6 of 28

Fujifilm requests assistance in obtaining deposition testimony from:

Seisuke Goto Atsushi Kato Eiji Nakashio Atsushi Yamaguchi

This deposition testimony is relevant to this case and unobtainable absent an order from a district court that the depositions take place at a U.S. Embassy or Consulate in Japan. In the past, the International Trade Commission has issued such requests for judicial assistance based on similar requests by the same Parties. *See In the Matter of Certain Magnetic Data Storage Tapes and Cartridges Containing the Same*, Inv. No. 337-TA-1012, Order Nos. 13 and 14 (Sept, 13, 2016).

Fujifilm respectfully requests that this motion for the attached Recommendation be granted. A proposed Recommendation is attached as Attachment A, and a proposed Order is attached as Attachment B. In light of the difficulty in obtaining embassy/consulate space for depositions during the limited discovery period of this investigation, Fujifilm further respectfully request prompt resolution of this motion.

Date: July 18, 2018

Respectfully submitted,

/s/ Robert C. Scheinfeld Robert C. Scheinfeld Robert L. Maier Jennifer C. Tempesta Eric J. Faragi Jessica W. Lin Frank Zhu BAKER BOTTS L.L.P. 30 Rockefeller Plaza New York, NY 10112 Phone: (212) 408 2500 Fax: (212) 408 2501 Lisa M. Kattan Thomas C. Martin Katharine Burke BAKER BOTTS L.L.P. The Warner 1299 Pennsylvania Avenue, NW Washington, DC 20004-2400 Phone: (202) 639-7700 Fax: (202) 639-7890

Syed Fareed BAKER BOTTS L.L.P. 98 San Jacinto Boulevard, Suite 1500 Austin, TX 78701-4078 Phone: (512) 322-2500 Fax: (512) 322-2501

Attorneys for Complainants FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc.

ATTACHMENT A

UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C.

Before the Honorable David P. Shaw Administrative Law Judge

In the Matter of

CERTAIN MAGNETIC DATA STORAGE TAPES AND CARTRIDGES CONTAINING THE SAME Investigation No. 337-TA-1012 (Enforcement Proceeding)

RECOMMENDATION TO THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA TO ISSUE AN ORDER / COMMISSION FOR THE TAKING OF DEPOSITIONS IN OSAKA, JAPAN

On July 18, 2018, Complainants FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. (collectively "Fujifilm" or "Complainants") filed with the United States International Trade Commission an application for a recommendation to the District Court for the District of Columbia to issue an Order / Commission requiring depositions of current and former employees of Respondents Sony Corporation, Sony Corporation of America, Sony Electronics Inc., Sony Storage Media Solutions Corporation, Sony Storage Media Manufacturing Corporation, Sony DADC US Inc., and Sony Latin America Inc. (collectively "Sony" or "Respondents").

Fujifilm requests assistance in obtaining deposition testimony from:

Seisuke Goto Atsushi Kato Eiji Nakashio Atsushi Yamaguchi

each of Respondents Sony, to be taken in Osaka, Japan, on or about August 27, 2018, and continuing through September 11, 2018, in response to a Notice of Deposition.

It is requested that the District Court grant the motion for an Order / Commission to obtain the above depositions in connection with discovery of the above-identified Investigation at the

Case 1:18-mc-00097-ABJ Document 1 Filed 07/20/18 Page 10 of 28

U.S. International Trade Commission. It is also recommended to the District Court that an Order

/ Commission of the scope requested by Fujifilm be granted.

A proposed Deposition Order / Commission is attached hereto as Exhibit 1.

Dated:

Honorable David P. Shaw Administrative Law Judge United States International Trade Commission 500 F. Street, N.W. Washington, DC 20436 Case 1:18-mc-00097-ABJ Document 1 Filed 07/20/18 Page 11 of 28

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

In the Matter of

CERTAIN MAGNETIC DATA STORAGE TAPES AND CARTRIDGES CONTAINING THE SAME (Enforcement)

Misc. Civ. No. 17-

ORDER TO TAKE DEPOSITIONS IN OSAKA, JAPAN

DEPOSITION ORDER / COMMISSION

 TO: Any Consul or Vice Consul of the United States of America Chief, American Citizen Services Unit U.S. Consulate General Osaka-Kobe 11-5 Nishitenma 2 chome, Kita-ku, Osaka 530-8543 Japan

Upon Motion by Complainants FUJIFILM Corporation and FUJIFILM Recording Media

U.S.A., Inc. (collectively "Fujifilm" or "Complainants"), and pursuant to Article 17 of the United

States-Japan Consular Convention, it is hereby

ORDERED that the depositions on notice of the following individuals be taken at the

U.S. Consulate in Osaka, Japan, commencing on or about August 27, 2018, and continuing until

on or about September 11, 2018, and that the marking of any documentary exhibits in connection

therewith be permitted:

Seisuke Goto Atsushi Kato Eiji Nakashio Atsushi Yamaguchi

Listed below are the names of counsel who may participate in these depositions, together

with other persons who may attend or assist with these depositions.

For Complainant Fujifilm

Robert C. Scheinfeld (counsel) Robert L. Maier (counsel) Jennifer C. Tempesta (counsel) Lisa Kattan (counsel)

Syed K. Fareed (counsel) Thomas Martin (counsel) Eric J. Faragi (counsel) Jessica Weili Lin (counsel) Frank Zhu (counsel) Katharine Burke (counsel) Bruce Holcombe (interpreter) Teresa Sumiyoshi (interpreter) Yutaka Araki (interpreter) Lisa Feissner (court reporter) Leslie Anne Todd (court reporter) Renee Michele Kelch (court reporter) Lisa Ann Knight (court reporter) Susan Dena Wasilewski (court reporter) Michelle Lynne Michaud (court reporter) Giselle Marsha Mitchell (court reporter) Anne Marie Torreano (court reporter) Charlotte Lacey (court reporter) Jason Thomas Meadors III (court reporter) Thomas Kinsey Feissner (videographer) Ralna Ramse (videographer) Luis Alejandro Lopez (videographer) Kevin Wayne Cranford Jr. (videographer) Anthony James Vorndran (videographer) Debby Elaine Cavazos (videographer) Nathan James LeMaster (videographer) Christie Jeon (videographer) Joseph Donahoe (videographer)

For Complainant Sony

Gregory F. Corbett (counsel) Randy J. Pritzker (counsel) Charles T. Steenburg (counsel) Hunter D. Keeton (counsel) Chelsea A. Loughran (counsel) Jason W. Balich (counsel) Elizabeth A. DiMarco (counsel) Claire E. Schuster (counsel) Elizabeth A. Hudson (counsel) Elica Funatsu (interpreter) Ai Miyake (interpreter) Toyu Yazaki (interpreter) Satomi Nishimuro (interpreter) Junko Salmon (interpreter) Asami Isomichi (interpreter) Takuya Fukuoka (observer) Koichi Kishida (observer) Shun Sakata (observer) Yusuke Houji (observer) Tetsuhiro Shiomi (observer) Yoshimi Kurata (observer) Kakutaro Koyama (observer) Akira Kumagai (observer) Mino Tanaka (observer) Motoyuki Koike (observer)

For U.S. International Trade Commission OUII Staff

Whitney Winston (staff attorney)

The depositions will be reported, videotaped, and/or interpreted by Planet Depos -

American Realtime Court Reporters.

Please cause the testimony of said witness to be recorded by video and reduced to writing; the deposition to be signed by said witness; said deposition testimony to be annexed to your Commission and closed under your seal; and make return of these materials to this Court with all convenient speed.

WITNESS, The Honorable ______, United States District Judge of the United States District Court for the District of Columbia, this ______ day of _____, 2018.

United States District Judge District of Columbia

I hereby certify that the signature above is that of the Honorable______,

United States District Judge of the United States District Court for the District of Columbia.

_____Clerk of the Court

Date

Deputy Clerk:

Seal:

Case 1:18-mc-00097-ABJ Document 1 Filed 07/20/18 Page 16 of 28

ATTACHMENT B

Case 1:18-mc-00097-ABJ Document 1 Filed 07/20/18 Page 17 of 28

UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C.

Before the Honorable David P. Shaw Administrative Law Judge

In the Matter of

CERTAIN MAGNETIC DATA STORAGE TAPES AND CARTRIDGES CONTAINING THE SAME Investigation No. 337-TA-1012 (Enforcement Proceeding)

[PROPOSED] ORDER NO. __: GRANTING MOTION FOR RECOMMENDATION TO THE DISTRICT COURT FOR THE DISTRICT OF COLUMBIA TO ISSUE A DEPOSITION ORDER / COMMISSION FOR THE TAKING OF DEPOSITION IN OSAKA, JAPAN

On July 18, 2018, Complainants FUJIFILM Corporation and FUJIFILM Recording Media

U.S.A., Inc. (collectively "Fujifilm" or "Complainants") filed a motion seeking issuance of the

attached Recommendation that the District Court of the District of Columbia issue an Order /

Commission on behalf of Fujifilm to obtain deposition testimony from employees of Sony.

The motion is hereby GRANTED. The recommendation is attached to this order.

SO ORDERED:

Honorable David P. Shaw Administrative Law Judge

Dated:



Notice of Receipt of Electronic Documents Copies Submission Form

This message acknowledges receipt by the US. International Trade Commission of the document described by the following data. This receipt does not indicate acceptance or rejection of the document. You will receive notification of acceptance or rejection by USITC after your submission has been reviewed by the Office of the Secretary to the Commission. Please print this page for your records.

an Order/Commission for the Taking of Depositions in Osaka, Japan 07/18/2018 Sec 337 Processing Detail OSE Alert Flag Party Served Paper Copies Required Paper Copies Required	Document	Filing Infor	mation SOURCE TYPE: Electronic Submis	sion	
Official Receive Date 07/18/2018 11:27 AM System Receive Date 07/18/2018 11:27 AM Document Type Motion Document Type Motion Document Title District Court for the District of Columbia to Issue an Order/Commission for the Taking of Depositions in Osaka, Japan Document Date 07/18/2018 Sec 337 337-1012 Enforcement Processing Detail 337-1012 Enforcement OSE Alert Flag Party Served Paper Copies Required 2 Delivery Requirement 12 noon ET, next business day Investigation Information Investigation Number: 337-1012 Investigation Type Sec 337 Investigation Title Certain Magnetic Data Storage Tapes and Cartridges Containing the Same; Inv. No. 337-TA-1012 Submitter Information Enforcement Same; Inv. No. 337-TA-1012 Submitter Information Baker Botts L.L.P. Filed By Robert C. Scheinfeld File do Behalf Of Media U.S.A., Inc. Submitted By rcscheinfeld2512 Attachments District of Columbia to Issue an Order/Commission for the Taking of KB	Document Nu	umber	650604		
Dificial Receive Date 07/18/2018 11:27 AM System Receive Date 07/18/2018 11:27 AM Document Type Motion Document Type Motion Document Title Unopposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of Depositions in Osaka, Japan Document Date 07/18/2018 Sec 337 337-1012 Enforcement Processing Detail 337-1012 Enforcement OSE Alert Flag Party Served Paper Copies Required 2 Delivery Requirement 12 noon ET, next business day Investigation Information Investigation Number: 337-1012 nvestigation Phase Enforcement nvestigation Title Certain Magnetic Data Storage Tapes and Cartridges Containing the Same; Inv. No. 337-TA-1012 Submitter Information Baker Botts L.L.P. Filed Do Behalf Of FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. Submitted By rcscheinfeld2512 Attachments Unopposed Motion for Recommendation to the District Court for the Taking of KB					
System Receive Date 07/18/2018 11:27 AM Document Type Motion Unopposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of Depositions in Osaka, Japan Document Date 07/18/2018 Sec 337 337-1012 Enforcement Processing Detail OSE Alert Flag Paper Copies Required 2 Paper Copies Required 2 Delivery Requirement 12 noon ET, next business day Investigation Information Investigation Number: 337-1012 Investigation Type Sec 337 Investigation Type Sec 337 Submitter Information Enforcement Same; Inv. No. 337-TA-1012 Submitter Information Baker Botts L.L.P. Filed By Robert C. Scheinfeld File don Behalf Of FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. Submitted By rcscheinfeld2512 Attachments Unopposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of KB	Security Leve	el	Public		
Document Type Motion Document Title Unopposed Motion for Recommendation to the District of Columbia to Issue an Order/Commission for the Taking of Depositions in Osaka, Japan Document Date 07/18/2018 Sec 337 337-1012 Enforcement Processing Detail OSE Alert Flag Paper Copies Required 2 Delivery Requirement 12 noon ET, next business day Investigation Information Investigation Number: 337-1012 nvestigation Type Sec 337 nvestigation Type Sec 337 Submitter Information Enforcement Same; Inv. No. 337-TA-1012 Submitter Information Baker Botts L.L.P. Filed By Robert C. Scheinfeld File Id # File Name Title Submitted By rcscheinfeld2512 Attachments Unopposed Motion for Recommendation to the District Court for the Taking of KB	Official Recei	ive Date	07/18/2018 11:27 AM		
Document Title Unopposed Motion for Recommendation to the District Columbia to Issue an Order/Commission for the Taking of Depositions in Osaka, Japan Document Date 07/18/2018 Sec 337 337-1012 Enforcement Processing Detail 337-1012 Enforcement OSE Alert Flag Party Served Paper Copies Required 2 Copies Required 2 Delivery Requirement 12 noon ET, next business day Investigation Information Investigation Number: 337-1012 nvestigation Type Sec 337 nvestigation Title Certain Magnetic Data Storage Tapes and Cartridges Containing the Same; Inv. No. 337-TA-1012 Submitter Information Fliel dl File dl # File Name File ld # File Name Title Size 1308013 1 2018.07.18 Unopposed Motion for Recommendation to the District Court for the Taking of KB	System Rece	ive Date	07/18/2018 11:27 AM		
Document Title District Court for the District of Columbia to Issue an Order/Commission for the Taking of Depositions in Osaka, Japan Document Date 07/18/2018 Sec 337 337-1012 Enforcement Processing Detail 337-1012 Enforcement OSE Alert Flag Party Served Paper Copies Required 2 Delivery Requirement 12 noon ET, next business day Investigation Information Investigation Number: 337-1012 nvestigation Phase Enforcement nvestigation Title Certain Magnetic Data Storage Tapes and Cartridges Containing the Same; Inv. No. 337-TA-1012 Submitter Information Baker Botts L. P. Filed By Robert C. Scheinfeld Filed District Of FUJIFILM Recording Media U.S.A., Inc. Submitted By rcscheinfeld2512 Attachments Unopposed Motion for Recommendation to the District Court for the Taking of KB	Document Ty	pe	Motion		
Sec 337 Processing Detail 337-1012 Enforcement OSE Alert Flag Party Served Paper Copies Required 2 Copies Required 2 Delivery Requirement 12 noon ET, next business day Investigation Information Investigation Number: 337-1012 Investigation Phase Enforcement Investigation Type Sec 337 Investigation Title Certain Magnetic Data Storage Tapes and Cartridges Containing the Same; Inv. No. 337-TA-1012 Submitter Information Baker Botts L.L.P. Filed By Robert C. Scheinfeld File do Behalf Of FUUIFILM Corporation and FUUIFILM Recording Media U.S.A., Inc. Submitted By rcscheinfeld2512 Attachments Size	Document Title		District Court for the District of Columbia to I an Order/Commission for the Taking of	District Court for the District of Columbia to Issue an Order/Commission for the Taking of	
Processing Detail 337-1012 Enforcement OSE Alert Flag Party Served Paper Copies Required 2 Copies Required 2 Delivery Requirement 12 noon ET, next business day Investigation Information Investigation Number: 337-1012 Investigation Phase Enforcement Investigation Type Sec 337 Investigation Title Certain Magnetic Data Storage Tapes and Cartridges Containing the Same; Inv. No. 337-TA-1012 Submitter Information Baker Botts L.L.P. Filed By Robert C. Scheinfeld File don Behalf Of FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. Submitted By rescheinfeld2512 Attachments Size File Id # File Name Title I 2018.07.18 Unopposed Motion for Recommendation to the District Court for the IAT.33	Document Da	ate	07/18/2018		
OSE Alert Flag Party Served Image: Copies Required 2 Paper Copies Required 2 2 2 2 Delivery Requirement 12 noon ET, next business day 1 1 Investigation Information Investigation Number: 337-1012 Investigation Phase Enforcement Investigation Type Sec 337 Investigation Title Certain Magnetic Data Storage Tapes and Cartridges Containing the Same; Inv. No. 337-TA-1012 Submitter Information Robert C. Scheinfeld Filed By Robert C. Scheinfeld Filed On Behalf Of FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. Submitted By rcscheinfeld2512 Attachments 1 File Id # File Name Title I 2018.07.18 Unopposed Motion for Recommendation to the District Court for the Taking of KB 127.3		Detail	337-1012 Enforcement		
Copies Required 2 Delivery Requirement 12 noon ET, next business day Investigation Information Investigation Number: 337-1012 Investigation Phase Enforcement Investigation Type Sec 337 Investigation Title Certain Magnetic Data Storage Tapes and Cartridges Containing the Same; Inv. No. 337-TA-1012 Submitter Information Filed By Filed By Robert C. Scheinfeld Firm / Organization Baker Botts L.L.P. Filed On Behalf Of FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. Submitted By rcscheinfeld2512 Attachments Title Size 1308013 1 2018.07.18 Unopposed Motion for Recommendation to the District Court for the Taking of		_	rty Served 🕑		
Delivery Requirement 12 noon ET, next business day Investigation Information Investigation Number: 337-1012 Investigation Phase Enforcement Investigation Type Sec 337 Investigation Title Certain Magnetic Data Storage Tapes and Cartridges Containing the Same; Inv. No. 337-TA-1012 Submitter Information Filed By Filed By Robert C. Scheinfeld Filed On Behalf Of Baker Botts L.L.P. Filed On Behalf Of FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. Submitted By rcscheinfeld2512 Attachments Title 1308013 1 2018.07.18 Motion for Columbia to Issue an Order/Commission for the Taking of KB	Paper Copi	ies Required	1		
Delivery Requirement 12 noon ET, next business day Investigation Information Investigation Number: 337-1012 Investigation Phase Enforcement Investigation Type Sec 337 Investigation Title Certain Magnetic Data Storage Tapes and Cartridges Containing the Same; Inv. No. 337-TA-1012 Submitter Information Filed By Filed By Robert C. Scheinfeld Filed On Behalf Of Baker Botts L.L.P. Filed On Behalf Of FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. Submitted By rcscheinfeld2512 Attachments Title 1308013 1 2018.07.18 Unopposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of KB					
Investigation Information Investigation Number: 337-1012 Investigation Phase Enforcement Investigation Type Sec 337 Investigation Type Sec 337 Investigation Title Certain Magnetic Data Storage Tapes and Cartridges Containing the Same; Inv. No. 337-TA-1012 Submitter Information Filed By Filed By Robert C. Scheinfeld Filed On Behalf Of Baker Botts L.L.P. Filed By rcscheinfeld2512 Attachments Title 1308013 1 2018.07.18 Unopposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of	Copies Required		2	2	
Investigation Phase Enforcement Investigation Type Sec 337 Investigation Title Certain Magnetic Data Storage Tapes and Cartridges Containing the Same; Inv. No. 337-TA-1012 Submitter Information Robert C. Scheinfeld Filed By Robert C. Scheinfeld Filed On Behalf Of Baker Botts L.L.P. Filed On Behalf Of FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. Submitted By rcscheinfeld2512 Attachments Title 1308013 1 2018.07.18 Unopposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of KB	• •				
Investigation Type Sec 337 Investigation Title Certain Magnetic Data Storage Tapes and Cartridges Containing the Same; Inv. No. 337-TA-1012 Submitter Information Robert C. Scheinfeld Filed By Robert C. Scheinfeld Filed By Baker Botts L.L.P. Filed On Behalf Of FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. Submitted By rcscheinfeld2512 Attachments File Name Title Jongposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of KB	• •				
Investigation Title Certain Magnetic Data Storage Tapes and Cartridges Containing the Same; Inv. No. 337-TA-1012 Submitter Information Filed By Robert C. Scheinfeld Filed On Behalf Of Baker Botts L.L.P. Filed On Behalf Of FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. Submitted By rcscheinfeld2512 Attachments Size File Id # File Name Title Size 1308013 1 2018.07.18 Unopposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of KB	Delivery Req	uirement	12 noon ET, next business day	1012	
Same; Inv. No. 337-TA-1012 Submitter Information Filed By Robert C. Scheinfeld Firm / Organization Baker Botts L.L.P. Filed On Behalf Of FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. Submitted By rcscheinfeld2512 Attachments File Id # File Name Title 12018.07.18 Unopposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of KB	Delivery Requ	uirement ion Informa	tion Investigation Number: 337-	1012	
Filed By Robert C. Scheinfeld Firm / Organization Baker Botts L.L.P. Filed On Behalf Of FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. Submitted By rcscheinfeld2512 Attachments Title Size File Id # File Name Title Size 1308013 1 2018.07.18 Unopposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of KB	Investigation	uirement ion Informa Phase	tion Investigation Number: 337-	1012	
Firm / Organization Baker Botts L.L.P. Filed On Behalf Of FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. Submitted By rcscheinfeld2512 Attachments Size File Id # File Name Title 1308013 1 2018.07.18 Motion for Unopposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of KB	Investigation	uirement ion Informa Phase Type	12 noon ET, next business day tion Investigation Number: 337- Enforcement Sec 337 Certain Magnetic Data Storage Tapes and Cartridges Containing		
File Id # File Name Title Unopposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of KB	Delivery Requ Investigation Investigation Investigation	uirement ion Informa Phase Type Title	tion Investigation Number: 337- Enforcement Sec 337 Certain Magnetic Data Storage Tapes and Cartridges Containing Same; Inv. No. 337-TA-1012		
File Id # File Name Title 1308013 1 2018.07.18 Unopposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of KB	Delivery Requ Investigation nvestigation nvestigation submitter	uirement ion Informa Phase Type Title	12 noon ET, next business day tion Investigation Number: 337- Enforcement Sec 337 Certain Magnetic Data Storage Tapes and Cartridges Containing Same; Inv. No. 337-TA-1012		
Attachments File Id # File Name Title Size 1308013 1 2018.07.18 Unopposed Motion for Recommendation to the District Court for the 127.3 127.3 Motion for District of Columbia to Issue an Order/Commission for the Taking of KB KB	Delivery Requ Investigation nvestigation nvestigation submitter	uirement ion Informa Phase Type Title Information	12 noon ET, next business day tion Investigation Number: 337- Enforcement Sec 337 Certain Magnetic Data Storage Tapes and Cartridges Containing Same; Inv. No. 337-TA-1012 N Robert C. Scheinfeld		
File Id # File Name Title Size 1308013 1 2018.07.18 Unopposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of KB 127.3	Delivery Requ Investigation Investigation Investigation Submitter Filed By Firm / Organi	uirement ion Informat Phase Type Title Information	12 noon ET, next business day tion Investigation Number: 337- Enforcement Sec 337 Certain Magnetic Data Storage Tapes and Cartridges Containing Same; Inv. No. 337-TA-1012 N Robert C. Scheinfeld Baker Botts L.L.P. FUJIFILM Corporation and FUJIFILM Recor	g the	
1308013 1 2018.07.18 Unopposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of KB	Delivery Requ Investigation Investigation Investigation Submitter Filed By Firm / Organi Filed On Beh	uirement ion Informa Phase Type Title Information ization alf Of	12 noon ET, next business day tion Investigation Number: 337- Enforcement Sec 337 Certain Magnetic Data Storage Tapes and Cartridges Containing Same; Inv. No. 337-TA-1012 N Robert C. Scheinfeld Baker Botts L.L.P. FUJIFILM Corporation and FUJIFILM Recor Media U.S.A., Inc.	g the	
1308013 1 2018.07.18 Unopposed Motion for Recommendation to the District Court for the District of Columbia to Issue an Order/Commission for the Taking of KB	Delivery Requ Investigation Investigation Investigation Submitter Filed By Firm / Organi Filed On Beh Submitted By	uirement ion Informa Phase Type Title Information zation alf Of	12 noon ET, next business day tion Investigation Number: 337- Enforcement Sec 337 Certain Magnetic Data Storage Tapes and Cartridges Containing Same; Inv. No. 337-TA-1012 N Robert C. Scheinfeld Baker Botts L.L.P. FUJIFILM Corporation and FUJIFILM Recor Media U.S.A., Inc.	g the	
	Delivery Requ Investigation Investigation Investigation Submitter Filed By Firm / Organi Filed On Beh Submitted By Attachmen	uirement ion Informat Phase Type Title Information zation alf Of /	12 noon ET, next business day tion Investigation Number: 337- Enforcement Sec 337 Certain Magnetic Data Storage Tapes and Cartridges Containing Same; Inv. No. 337-TA-1012 Robert C. Scheinfeld Baker Botts L.L.P. FUJIFILM Corporation and FUJIFILM Recor Media U.S.A., Inc. rcscheinfeld2512	g the	

Do you have a question for the EDIS Help Desk? Please call 202-205-EDIS (3347) or to email your question click Contact Us.

500 E Street, SW, Washington, DC 20436 :: Phone 202.205.2000 :: TDD 202.205.1810



privacy policy :: accessibility policy :: equal employment opportunity :: freedom of information act :: ethics :: acrobat reader

7/18/2018

Case 1:18-mc-00097-ABJ Document 1 Filed 07/20/18 Page 20 of 28

EXHIBIT II

Case 1:18-mc-00097-ABJ Document 1 Filed 07/20/18 Page 21 of 28

UNITED STATES INTERNATIONAL TRADE COMMISSION WASHINGTON, D.C.

In the Matter of

CERTAIN MAGNETIC DATA STORAGE TAPES AND CARTRIDGES CONTAINING THE SAME

Inv. No. 337-TA-1012 (Enforcement Proceeding)

Order No. 38

On July 18, 2018, complainants FUJIFILM Corporation and FUJIFILM Recording Media U.S.A., Inc. (collectively, "Fujifilm") filed an unopposed motion seeking a recommendation to the United States District Court for the District of Columbia issue an order/commission on behalf of Fujifilm to obtain deposition testimony from current employees of the Sony respondents.¹ Motion Docket No. 1012-045. Specifically, Fujifilm seeks to obtain deposition testimony from:

- Seisuke Goto,
- Atsushi Kato,
- Eiji Nakashio, and
- Atsushi Yamaguchi.

Mot. at 2. Fujifilm argues that the deposition testimony it seeks "is relevant to this case and unobtainable absent an order from a district court that the depositions take place at a U.S. Embassy or Consulate in Japan." *Id.* Fujifilm intends to conduct the depositions between August 27 and September 7, 2018, at the U.S. Consulate in Osaka, Japan. *Id.* at 1.

¹ The "Sony" respondents are Sony Corporation, Sony Corporation of America, Sony Electronics Inc., Sony Storage Media Solutions Corporation, Sony Storage Media Manufacturing Corporation, Sony DADC US Inc., and Sony Latin America Inc. Motion No. 1012-045 is granted.

Accordingly, it is respectfully recommended that the District Court issue an

order/commission on behalf of Fujifilm, as described above.

David P. Shaw Administrative Law Judge

2

Issued: July 19, 2018

Case 1:18-mc-00097-ABJ Document 1 Filed 07/20/18 Page 23 of 28

CERTAIN MAGNETIC DATA STORAGE TAPES AND CARTRIDGES CONTAINING THE SAME

INV. NO. 337-TA-1012 (Enforcement Proceeding)

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **Order No. 38** has been served by hand upon the Commission Investigative Attorney, **Whitney Winston, Esq.**, and the following parties as indicated, on ______.

Lisa R. Barton, Secretary U.S. International Trade Commission 500 E Street SW, Room 112A Washington, DC 20436

FOR COMPLAINANTS FUJIFILM CORPORATION MEDIA U.S.A., INC.:	ON AND FUJIFILM RECORDING
Lisa M. Kattan BAKER BOTTS L.L.P. 1299 Pennsylvania Avenue, N.W. Washington, D.C. 20004-2400	 () Via Hand Delivery () Express Delivery () Via First Class Mail () Other:
FOR RESPONDENTS SONY CORPORATION; SO AMERICA; SONY ELECTRONICS INC;, SON CORPORATION; SONY STORAGE MEDIA M CORPORATION; SONY DADC US INC.; AND	Y STORAGE MEDIA SOLUTIONS ANUFACTURING
James B. Altman, Esq. FOSTER, MURPHY, ALTMAN & NICKEL, PC 1150 18 th Street, N.W., Suite 775 Washington, D.C. 20036	 () Via Hand Delivery () Express Delivery () Via First Class Mail () Other:

CERTIFICATE OF SERVICE

I certify that I am causing this document to be filed by hand on July 20, 2018. I further certify that I am causing to be served a copy of this document via email to counsel for the other parties in the above-captioned United States International Trade Commission Investigation, per the agreement of counsel.

Thomas C. Martin

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

In the Matter of

CERTAIN MAGNETIC DATA STORAGE TAPES AND CARTRIDGES CONTAINING THE SAME (Enforcement)

Misc. Civ. No. 17-

ORDER TO TAKE DEPOSITIONS IN OSAKA, JAPAN

DEPOSITION ORDER / COMMISSION

 TO: Any Consul or Vice Consul of the United States of America Chief, American Citizen Services Unit U.S. Consulate General Osaka-Kobe 11-5 Nishitenma 2 chome, Kita-ku, Osaka 530-8543 Japan

Upon Motion by Complainants FUJIFILM Corporation and FUJIFILM Recording Media

U.S.A., Inc. (collectively "Fujifilm" or "Complainants"), and pursuant to Article 17 of the United

States-Japan Consular Convention, it is hereby

ORDERED that the depositions on notice of the following individuals be taken at the

U.S. Consulate in Osaka, Japan, commencing on or about August 27, 2018, and continuing until

on or about September 11, 2018, and that the marking of any documentary exhibits in connection

therewith be permitted:

Seisuke Goto Atsushi Kato Eiji Nakashio Atsushi Yamaguchi

Listed below are the names of counsel who may participate in these depositions, together

with other persons who may attend or assist with these depositions.

For Complainant Fujifilm

Robert C. Scheinfeld (counsel) Robert L. Maier (counsel) Jennifer C. Tempesta (counsel) Lisa Kattan (counsel)

Syed K. Fareed (counsel) Thomas Martin (counsel) Eric J. Faragi (counsel) Jessica Weili Lin (counsel) Frank Zhu (counsel) Katharine Burke (counsel) Bruce Holcombe (interpreter) Teresa Sumiyoshi (interpreter) Yutaka Araki (interpreter) Lisa Feissner (court reporter) Leslie Anne Todd (court reporter) Renee Michele Kelch (court reporter) Lisa Ann Knight (court reporter) Susan Dena Wasilewski (court reporter) Michelle Lynne Michaud (court reporter) Giselle Marsha Mitchell (court reporter) Anne Marie Torreano (court reporter) Charlotte Lacey (court reporter) Jason Thomas Meadors III (court reporter) Thomas Kinsey Feissner (videographer) Ralna Ramse (videographer) Luis Alejandro Lopez (videographer) Kevin Wayne Cranford Jr. (videographer) Anthony James Vorndran (videographer) Debby Elaine Cavazos (videographer) Nathan James LeMaster (videographer) Christie Jeon (videographer) Joseph Donahoe (videographer)

For Complainant Sony

Gregory F. Corbett (counsel) Randy J. Pritzker (counsel) Charles T. Steenburg (counsel) Hunter D. Keeton (counsel) Chelsea A. Loughran (counsel) Jason W. Balich (counsel) Elizabeth A. DiMarco (counsel) Claire E. Schuster (counsel) Elizabeth A. Hudson (counsel) Elica Funatsu (interpreter) Ai Miyake (interpreter) Toyu Yazaki (interpreter) Satomi Nishimuro (interpreter) Junko Salmon (interpreter) Asami Isomichi (interpreter) Takuya Fukuoka (observer) Koichi Kishida (observer) Shun Sakata (observer) Yusuke Houji (observer) Tetsuhiro Shiomi (observer) Yoshimi Kurata (observer) Kakutaro Koyama (observer) Akira Kumagai (observer) Mino Tanaka (observer) Motoyuki Koike (observer)

For U.S. International Trade Commission OUII Staff

Whitney Winston (staff attorney)

The depositions will be reported, videotaped, and/or interpreted by Planet Depos -

American Realtime Court Reporters.

Please cause the testimony of said witness to be recorded by video and reduced to writing; the deposition to be signed by said witness; said deposition testimony to be annexed to your Commission and closed under your seal; and make return of these materials to this Court with all convenient speed.

WITNESS, The Honorable ______, United States District Judge of the United States District Court for the District of Columbia, this ______ day of _____, 2018.

United States District Judge District of Columbia

I hereby certify that the signature above is that of the Honorable______,

United States District Judge of the United States District Court for the District of Columbia.

_____Clerk of the Court

Date

Deputy Clerk:

Seal: