



## **ITC Ruling Directs Administrative Law Judge to Consider Whether BDT Accused Products Infringe Overland Storage Mail Slot Patent Claims**

December 12, 2012

Dec 12, 2012 (Marketwire via COMTEX) --Overland Storage (NASDAQ: OVRL), a trusted global provider of effortless data management and data protection solutions across the data lifecycle, today announced that the U.S. International Trade Commission ("ITC") has released a Notice of Commission Determination in the patent infringement action filed by Overland Storage against IBM, Dell and BDT. Overland Storage previously reported that the ITC and District Court actions against IBM and Dell had been resolved by settlement.

The Notice of Commission Determination stated that the ITC has granted Overland Storage's petition to allow the Administrative Law Judge to make infringement findings on certain claims of Overland Storage's U.S. Patent No. 6,353,581, which relates to the "mail slot" feature in automated media devices. The Administrative Law Judge will now reconsider whether the accused BDT FlexStor II products infringe claims 10, 12 and 16 of the '581 patent based on the guidance provided by the full Commission. The Administrative Law Judge's decision is currently due to be issued by December 25, 2012.

"We are very pleased with the Commission's decision to have the Administrative Law Judge reevaluate BDT infringement of the 581 'mail slot' patent. Innovation is the driving force of technology companies, and the ability to create and protect their intellectual property is critical to companies as they develop new products and protect existing assets," said Mr. Eric Kelly, President and CEO of Overland Storage. "With an extensive portfolio of additional patents that have been granted, our IP portfolio will assist us in continuing to shape the future of the data management and data protection markets for years to come."

Represented by DLA Piper LLP (US), Overland Storage has previously reported that it filed additional lawsuits on June 28, 2012, claiming infringement of one or both of the Overland Storage patents involved in the ITC case against BDT. Upon completion of the ITC case, Overland Storage plans to pursue monetary damages against BDT in district court.

### **About Overland Storage**

Overland Storage is a trusted global provider of effortless data management and data protection solutions across the data lifecycle. By providing an integrated range of technologies and services for primary, nearline, offline, archival and cloud data storage, Overland makes it easy and cost effective to manage different tiers of information over time. Overland SnapServer®, SnapSAN™, NEO® and REO® solutions are available through a select network of value added resellers and system integrators. For more information, visit <http://www.overlandstorage.com/>.

### **Safe Harbor Statement**

Except for the factual statements made herein, the information contained in this news release consists of forward-looking statements that involve risks, uncertainties and assumptions that are difficult to predict. Words and expressions reflecting optimism, satisfaction or disappointment with current prospects, as well as words such as "believes," "hopes," "intends," "estimates," "expects," "projects," "plans," "anticipates" and variations thereof, or the use of future tense, identify forward-looking statements, but their absence does not mean that a statement is not forward-looking. Such forward-looking statements are not guarantees of performance and our actual results could differ materially from those contained in such statements. Factors that could cause or contribute to such differences include, but are not limited to: our ability to maintain and increase sales volumes of our products; our ability to continue to aggressively control costs and operating expenses; our ability to achieve the intended cost savings and maintain quality with our new manufacturing partner; our ability to generate cash from operations; the ability of our suppliers to provide an adequate supply of components for our products at prices consistent with historical prices; our ability to raise outside capital and to repay our debt as it comes due; our ability to introduce new competitive products and the degree of market acceptance of such new products; the timing and market acceptance of new products introduced by our competitors; our ability to enforce our intellectual property rights; our ability to maintain strong relationships with branded channel partners; our ability to maintain the listing of our common stock on the NASDAQ Capital Market; customers', suppliers' and creditors' perceptions of our continued viability; rescheduling or cancellation of customer orders; loss of a major customer; general competition and price measures in the market place; unexpected shortages of critical components; worldwide information technology spending levels; and general economic conditions. Reference is also made to other factors detailed from time to time in our periodic reports filed with the Securities and Exchange Commission. These forward-looking statements speak only as of the date of this release and we undertake no obligation to publicly update any forward-looking statements to reflect new information, events or circumstances after the date of this release.

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