

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN TONER CARTRIDGES AND
COMPONENTS THEREOF

Inv. No. 337-TA-731

ORDER NO. 5: SETTING PROCEDURAL SCHEDULE

(September 7, 2010)

Pursuant to Order No. 2, the parties submitted a joint proposed procedural schedule. The Investigation will be controlled by the procedural schedule appended hereto as Attachment A.

SO ORDERED.


E. James Gildea
Administrative Law Judge

ATTACHMENT A

PROCEDURAL SCHEDULE & DATES

Parties submit discovery statement	September 3, 2010
Parties file a proposed procedural schedule	
Parties exchange list of patent claim terms for construction	October 6, 2010
First settlement conference	October 8, 2010
Submission of first settlement conference joint report	October 13, 2010
Deadline for proposals requesting a Markman hearing	October 13, 2010
File notice of prior art	October 15, 2010
Complainant(s) and Respondent(s) provide Staff with their proposed construction of the disputed claim terms	October 20, 2010
File identification of expert witnesses, including their expertise and curriculum vitae	November 1, 2010
Deadline for parties to meet and confer (including Staff) in an attempt to reconcile or otherwise limit disputed claim terms	November 1, 2010
Parties submit a joint list showing each party's proposed construction of the disputed claim terms	November 5, 2010
Second settlement conference	December 22, 2010
Submission of second settlement conference joint report	December 29, 2010
Exchange of initial expert reports (identify tests/surveys/data)	January 5, 2011
Deadline for contention interrogatory responses	January 14, 2011
File tentative list of witnesses a party will call to testify at the hearing, with an identification of each witness' relationship to the party	January 21, 2011
Exchange of rebuttal expert reports	February 16, 2011

Fact discovery cutoff and completion	February 18, 2011
Deadline for motions to compel discovery	February 25, 2011
Third settlement conference	March 4, 2011
Submission of third settlement conference joint report	March 8, 2011
Deadline for filing summary determination motions	March 9, 2011
Expert discovery cutoff and completion	March 18, 2011
Submission of statements regarding the use of witness statements in lieu of live direct testimony, and statements regarding whether any party intends to offer expert reports into evidence	March 28, 2011
Exchange of exhibit lists among the parties	March 30, 2011
Submit and serve direct exhibits (including witness statements), with physical and demonstrative exhibits available -- Complainant(s) and Respondent(s)	April 5, 2011
Submit and serve direct exhibits (including witness statements), with physical and demonstrative exhibits available -- Staff	April 8, 2011
File Pre-hearing statements and briefs -- Complainant(s) and Respondent(s)	April 12, 2011
File Pre-hearing statement and brief -- Staff	April 20, 2011
File requests for receipt of evidence without a witness	April 20, 2011
File objections to direct exhibits (including witness statements)	April 21, 2011
Submit and serve rebuttal exhibits (including witness statements), with rebuttal physical and demonstrative exhibits available -- all parties	April 25, 2011
Deadline for motions <i>in limine</i>	May 2, 2011
File responses to objections to direct exhibits (including witness statements)	May 4, 2011

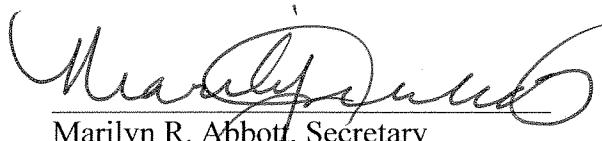
File objections to rebuttal exhibits (including witness statements)	May 5, 2011
File statement of high priority objections	May 6, 2011
File response to objections to rebuttal exhibits (including witness statements)	May 10, 2011
File responses to statement of high priority objections	May 10, 2011
Submission of declarations justifying confidentiality of exhibits	May 11, 2011
File responses to motions <i>in limine</i>	May 12, 2011
Tutorial on technology	9:30 a.m., May 26, 2011, Hearing Room B
Pre-hearing conference	May 27, 2011, Hearing Room B
Hearing	May 27-June 3, 2011, Hearing Room B
File initial post-hearing briefs, proposed findings of fact and conclusions of law, and final exhibit lists	June 14, 2011
File reply post-hearing briefs, objections and rebuttals to proposed findings of fact	June 22, 2011
Final ID due	July 29, 2011
Target Date	November 30, 2011

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PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER** has been served by hand upon, the Commission Investigative Attorney, **Lisa A. Murray, Esq.**, and the following parties as indicated on September 7, 2010.



Marilyn R. Abbott, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112A
Washington, D.C. 20436

FOR COMPLAINANTS CANON INC., CANON U.S.A., INC., CANON VIRGINIA, INC.:

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INC., COPY TECHNOLOGIES, INC., RED POWERS, INC., DIRECT BILLING
INTERNATIONAL, INC., COMPU-IMAGING, INC., EIS OFFICE SOLUTIONS, INC.,
123 REFILLS, INC., ACM TECHNOLOGIES, INC., LD PRODUCTS, INC., PRINTER
ESSENTIALS.COM, INC., AND XSE GROUP INC.**

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337-TA-731

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