

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN STRINGED MUSICAL
INSTRUMENTS AND COMPONENTS
THEREOF (II)**

Inv. No. 337-TA-708

ORDER NO. 5: SETTING THE PROCEDURAL SCHEDULE

(May 11, 2010)

This Investigation was instituted by the Commission on March 29, 2010 and the Notice of Investigation was published in the Federal Register on April 2, 2010. 75 Fed. Reg. 16,838 – 16,839 (Apr. 2, 2010). The undersigned set a sixteen-month target date of August 2, 2011 for completion of this Investigation by the Commission in Order No. 4, issued April 26, 2010. Order No. 4 also requested discovery statements from the parties by May 7, 2010. On May 4, 2010, Complainant Geoffrey McCabe filed his discovery statement. On May 7, 2010, Respondents Floyd Rose Guitars, Floyd Rose Marketing, Inc., Davitt & Hanser Music Co., d/b/a/ HHI, and Ping Well Industrial Co., Ltd. (collectively, “the Adduci Respondents”); Respondents Hoshino (U.S.A.) Inc. and Hoshino Gakki Co., Ltd. (collectively, “Hoshino”); and the Commission Investigative Staff filed their discovery statements.

Based on a review of the joint proposed procedural schedule, the undersigned hereby adopts the following procedural schedule:

Event	Deadline Date
First settlement conference	On or before June 21, 2010
Submission of first settlement conference joint report	By June 25, 2010

Event	Deadline Date
File tentative list of witnesses a party will call to testify at the hearing, with an identification of each witness' relationship to the party	July 15, 2010
Second settlement conference	On or before September 10, 2010
Submission of second settlement conference joint report	By September 15, 2010
File identification of expert witnesses, including their expertise and curriculum vitae	October 15, 2010
File notice of prior art	October 15, 2010
Exchange of initial expert reports (identify tests/survey/data)	October 22, 2010
Deadline for filing summary determination motions	November 3, 2010
Exchange of rebuttal expert reports	November 5, 2010
Fact discovery cutoff and completion	November 17, 2010
Expert discovery cutoff and completion	November 17, 2010
Deadline for motions to compel discovery	November 19, 2010
Third settlement conference report	On or before November 29, 2010
Submission of third settlement conference joint report	By December 2, 2010
Exchange of exhibit lists among the parties	December 6, 2010
Submit and serve direct exhibits (including witness statements) with physical and demonstrative exhibits available – Complainant and Respondents	December 6, 2010
Submit and serve direct exhibits (including witness statements) with physical and demonstrative exhibits available – Staff	December 10, 2010
File pre-trial statements and briefs – Complainant and Respondents	December 13, 2010
File objections to direct exhibits (including witness statements) – all parties	December 17, 2010

Event	Deadline Date
Submit and serve rebuttal and/or supplemental exhibits (including witness statements) with rebuttal physical and demonstrative exhibits available – all parties	December 20, 2010
Deadline for motions <i>in limine</i>	December 20, 2010
File pre-trial statement and brief – Staff	December 20, 2010
File high priority objections statement	December 21, 2010
File responses to objections to direct exhibits (including witness statements)	December 22, 2010
File requests for receipt of evidence without a witness	December 23, 2010
File objections to rebuttal and/or supplemental exhibits (including witness statements)	December 28, 2010
File responses to motions <i>in limine</i>	December 28, 2010
File responses to high priority objections statement	December 29, 2010
File responses to objections to rebuttal exhibits (including witness statements)	December 30, 2010
Tutorial ¹	January 4, 2011 at 9:00 a.m. in Courtroom B
Pre-trial conference ²	January 4, 2011 at 2:30 p.m. in Courtroom B
Trial	January 5 – January 12, 2011 in Courtroom B
File initial post-trial briefs, proposed findings of fact and conclusions of law, and final exhibit lists	January 28, 2011
File reply post-trial briefs, objections and rebuttals to proposed findings of fact and conclusions of law	February 7, 2011


¹ Each side's tutorial shall not exceed 1 hour.

² Following the tutorial and prior to the pre-trial conference, the parties are directed to meet and confer in an attempt to resolve any outstanding pre-trial motions, high priority objections, and any other contested issues concerning the trial.

Event	Deadline Date
Initial Determination due	April 1, 2011
Target date for completion of investigation	August 2, 2011

For the dates set forth above that require a submission or filing, the date set forth is the date that the submission or filing must be at or filed at the Commission (by the close of business) and is not the date that such submission or filing is merely served.

SO ORDERED.




Charles E. Bullock
Administrative Law Judge

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CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER NO. 5** has been served upon, **Benjamin Levi, Esq.**, Commission Investigative Attorney, and the following parties via first class mail and air mail where necessary on May 11, **2010**.


Marilyn R. Abbott, Secretary
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