

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN DYNAMIC RANDOM ACCESS
MEMORY AND NAND FLASH MEMORY
DEVICES AND PRODUCTS CONTAINING
SAME

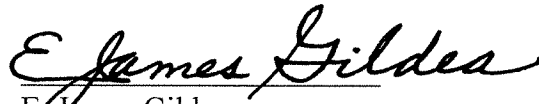
Inv. No. 337-TA-803

ORDER NO. 5: SETTING PROCEDURAL SCHEDULE

(October 13, 2011)

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

Deadline for first settlement conference	October 28, 2011
Submission of first settlement conference joint report	November 4, 2011
Parties exchange list of patent claim terms for construction	November 8, 2011
File identification of expert witnesses, including their expertise and curriculum vitae	December 2, 2011
File notice of prior art	December 2, 2011
Complainants and Respondents provide Staff with their proposed construction of the disputed claim terms	December 9, 2011
Deadline to file Markman hearing proposals	December 12, 2011
Deadline for parties to meet and confer (including Staff) in an attempt to reconcile or otherwise limit disputed claim terms	December 19, 2011
Deadline for parties to submit a joint list showing each party's proposed construction of the disputed claim terms	December 21, 2011
Deadline for initial contention interrogatory responses--party bearing BOP	February 22, 2012
Deadline for second settlement conference	March 1, 2012
Deadline for initial contention interrogatory responses--party not bearing BOP	March 7, 2012
Submission of second settlement conference joint report	March 8, 2012
Technology Stipulation (T.B.A.) deadline	March 15, 2012
File tentative list of witnesses a party will call to testify at the evidentiary hearing, with an identification of each witness' relationship to the party	March 21, 2012
Fact discovery cutoff and completion	April 13, 2012

Deadline for motions to compel discovery	April 23, 2012
Exchange of initial expert reports (identify tests/surveys/data)	April 27, 2012
Exchange of rebuttal expert reports	May 18, 2012
Expert discovery cutoff and completion	June 15, 2012
Deadline for filing summary determination motions	June 21, 2012
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	June 28, 2012
Exchange of exhibit lists among the parties	July 13, 2012
Deadline for third settlement conference	July 16, 2012
Submission of third settlement conference joint report	July 20, 2012
Submit and serve direct exhibits (including witness statements), with physical and demonstrative exhibits available -- Complainants and Respondents	July 23, 2012
Submit and serve direct exhibits (including witness statements), with physical and demonstrative exhibits available -- Staff	July 27, 2012
File objections to direct exhibits (including witness statements)	August 3, 2012
File responses to objections to direct exhibits (including witness statements)	August 10, 2012
Submit and serve rebuttal exhibits (including witness statements), with rebuttal physical and demonstrative exhibits available -- all parties	August 15, 2012
File Pre-hearing statements and briefs -- Complainants and Respondents	August 17, 2012
File requests for receipt of evidence without a sponsoring witness	August 22, 2012
File Pre-hearing statement and brief -- Staff	August 22, 2012

File objections to rebuttal exhibits (including witness statements)	August 22, 2012
File response to objections to rebuttal exhibits (including witness statements)	August 29, 2012
Deadline for motions <i>in limine</i>	August 31, 2012
File statement of high priority objections	August 31, 2012
File responses to statement of high priority objections	September 10, 2012
Submission of declarations justifying confidentiality of exhibits	September 10, 2012
File responses to motions <i>in limine</i>	September 10, 2012
Tutorials	9:00 a.m., September 21, 2012, location TBA
Pre-hearing conference	September 21, 2012, location TBA
Hearing	September 21-October 11,^{1,2} 2012, location TBA
File initial post-hearing briefs and final exhibit lists	October 23, 2012
File reply post-hearing briefs	October 31, 2012
Final ID due	January 10, 2013
Target Date	May 10, 2013

1 The Administrative Law Judge has granted the parties' request that there be no hearing on Yom Kippur (September 26, 2012). One hearing day has been added to compensate for this additional break.

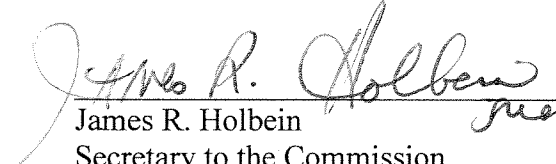
2 October 8, 2012 is a Federal holiday and will not be a hearing day.

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PUBLIC CERTIFICATE OF SERVICE

I, James R. Holbein, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, **Vu Bui, Esq.**, and the following parties as indicated on October 13, 2011.


James R. Holbein
Secretary to the Commission
U.S. International Trade Commission
500 E Street, SW, Room 112A
Washington, D.C. 20436

**ON BEHALF OF COMPLAINANTS INTELLECTUAL VENTURES MANAGEMENT,
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INC.; ACER INC.; ACER AMERICA CORP.; ADATA TECHNOLOGY CO., LTD.;
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