

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN PORTABLE ELECTRONIC
DEVICES AND RELATED SOFTWARE

Inv. No. 337-TA-797

ORDER NO. 4: SETTING PROCEDURAL SCHEDULE

(September 14, 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

Deadline for first settlement conference	September 23, 2011
Parties exchange list of patent claim terms for construction	September 29, 2011
Submission of first settlement conference joint report	September 30, 2011
File notice of prior art	October 21, 2011
Complainant and Respondents provide Staff with their proposed construction of the disputed claim terms	October 28, 2011
Deadline for parties to meet and confer (including Staff) in an attempt to reconcile or otherwise limit disputed claim terms	November 2, 2011
Parties submit a joint list showing each party's proposed construction of the disputed claim terms	November 4, 2011
File identification of expert witnesses, including their expertise and curriculum vitae	November 11, 2011
Deadline for initial contention interrogatory responses—party bears burden of proof	December 2, 2011
Deadline for initial contention interrogatory responses—party does not bear burden of proof	December 21, 2011
Deadline for exchange of initial expert reports, if any, on claim construction issues	January 18, 2012
Deadline for filing initial Markman briefs—Complainant and Respondents	January 18, 2012
Deadline for filing initial Markman brief—Staff	January 23, 2012
Deadline for exchange of rebuttal expert reports, if any, on claim construction issues	January 30, 2012
Deadline for filing Markman response briefs—all parties	January 30, 2012
Deadline for parties to serve proposed Markman exhibit lists on each other	January 30, 2012

Technology Stipulation (T.B.A.) deadline	February 1, 2012
Deadline for parties to serve proposed exhibits, including demonstratives, and updated proposed exhibit lists on each other	February 1, 2012
Deadline for second settlement conference	February 3, 2012
Deadline for filing Markman Pre-hearing Statement, including final exhibit list (T.B.A.)	February 3, 2012
Markman hearing	February 7-8, 2012, location TBA
Deadline for submission of Markman exhibits and final exhibit lists, by appointment	5 p.m., February 10, 2012
Submission of second settlement conference joint report	February 10, 2012
Parties submit an updated joint list showing each party's proposed construction of any claim terms remaining in dispute	February 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	February 17, 2012
Fact discovery cutoff and completion	March 9, 2012
Exchange of initial expert reports (identify tests/surveys/data)	March 20, 2012
Exchange of rebuttal expert reports	April 13, 2012
Deadline for motions to compel discovery	April 13, 2012
Deadline for third settlement conference	April 20, 2012
Submission of third settlement conference joint report	April 24, 2012
Expert discovery cutoff and completion	May 4, 2012
Deadline for filing summary determination motions	May 8, 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	May 11, 2012
Exchange of exhibit lists among the parties	June 11, 2012
Submit and serve direct exhibits (including witness statements), with physical and demonstrative exhibits available -- Complainant and Respondents	June 15, 2012
Submit and serve direct exhibits (including witness statements), with physical and demonstrative exhibits available -- Staff	June 20, 2012
File objections to direct exhibits (including witness statements)	June 22, 2012
File requests for receipt of evidence without a witness	June 29, 2012
Submit and serve rebuttal exhibits (including witness statements), with rebuttal physical and demonstrative exhibits available -- all parties	June 29, 2012
File responses to objections to direct exhibits (including witness statements)	July 2, 2012
File objections to rebuttal exhibits (including witness statements)	July 9, 2012
File Pre-hearing statements and briefs -- Complainant and Respondents	July 10, 2012
Deadline for motions <i>in limine</i>	July 13, 2012
File statement of high priority objections	July 13, 2012
File Pre-hearing statement and brief -- Staff	July 16, 2012
File response to objections to rebuttal exhibits (including witness statements)	July 16, 2012
File responses to statement of high priority objections	July 23, 2012
Submission of declarations justifying confidentiality of exhibits	July 23, 2012
File responses to motions <i>in limine</i>	July 23, 2012

Tutorials	9:00 a.m., August 8, 2012, location TBA
Pre-hearing conference	August 8, 2012, location TBA
Hearing	August 8-24, 2012, location TBA
File initial post-hearing briefs and final exhibit lists	September 5, 2012
File reply post-hearing briefs	September 14, 2012
Final ID due	November 7, 2012
Target Date	March 7, 2013

PUBLIC CERTIFICATE OF SERVICE

I, James R. Holbein, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, **R. Whitney Winston, Esq.**, and the following parties as indicated on September 14, **2011**.



James R. Holbein
Secretary to the Commission
U.S. International Trade Commission
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ON BEHALF OF COMPLAINANT APPLE INC., F/K/A APPLE COMPUTER, INC.:

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**ON BEHALF OF RESPONDENTS HTC CORPORATION, HTC AMERICA, INC., AND
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