

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN PRODUCTS ADVERTISED AS
CONTAINING CREATINE ETHYL ESTER

Inv. No. 337-TA-679

ORDER NO. 8: SETTING THE PROCEDURAL SCHEDULE

(September 29, 2009)

This investigation was instituted by the Commission on June 17, 2009 and the notice of investigation was published in the Federal Register on June 23, 2009. 74 Fed. Reg. 29,171 (June 23, 2009). The undersigned set a sixteen-month target date of October 25, 2010 for completion of this investigation by the Commission in Order No. 2, issued on June 23, 2009. Order No. 2 also requested discovery statements from the parties by August 7, 2009. On July 30, 2009, the Commission Investigative Staff ("Staff") filed its discovery statement. On August 3, 2009, Complainant UNeMed Corporation ("UNEMED") filed its discovery statement, wherein it agreed to the procedural schedule proposed by Staff.¹ No other discovery statements were received. Based on a review of the proposed procedural schedule, the undersigned hereby adopts the following procedural schedule:

Event	Deadline Date
First settlement conference	By August 21, 2009
Submission of first settlement conference joint report	August 26, 2009

¹ The undersigned notes that Complainant has compiled with the dates for the following events: first settlement conference; submission of first settlement conference joint report; identification of expert witnesses; and filing of tentative list of witnesses Complainant will call to testify at the hearing.

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Event	Deadline Date
File identification of expert witnesses, including their expertise and curriculum vitae	September 1, 2009
File tentative list of witnesses a party will call to testify at the hearing, with an identification of each witness' relationship to the party	September 7, 2009
File notice of prior art	October 9, 2009
Second settlement conference	By October 9, 2009
Submission of second settlement conference joint report	October 13, 2009
Exchange of initial expert reports	October 16, 2009
Exchange of rebuttal expert reports	October 30, 2009
Fact discovery cutoff and completion	November 2, 2009
Third settlement conference	By November 10, 2009
Deadline for filing summary determination motions	November 11, 2009
Expert discovery cutoff and completion	November 13, 2009
Submission of third settlement conference joint report	November 13, 2009
Deadline for motions to compel discovery	November 16, 2009
Exchange of exhibit lists among the parties	November 18, 2009
Submit and serve direct exhibits (including witness statements) with physical and demonstrative exhibits available -- Complainant and Respondent	November 20, 2009
Submit and serve direct exhibits (including witness statements) with physical and demonstrative exhibits available -- Staff	November 24, 2009
File requests for receipt of evidence without a witness	November 4, 2009
File objections to direct exhibits (including witness statements)	November 4, 2009
Submit and serve rebuttal exhibits (including witness statements) with physical and demonstrative exhibits available -- all parties	December 4, 2009
File pre-trial statements and briefs -- Complainant and Respondent	December 7, 2009
Deadline for motions <i>in limine</i>	December 8, 2009

Event	Deadline Date
File responses to objections to direct exhibits (including witness statements)	December 9, 2009
File objections to rebuttal exhibits (including witness statements)	December 11, 2009
File high priority objections statement	December 14, 2009
File pre-trial statement and brief -- Staff	December 14, 2009
File responses to objections to rebuttal exhibits (including witness statements)	December 22, 2009
File responses to high priority objections statement	December 23, 2009
File responses to motions <i>in limine</i>	December 23, 2009
Tutorial (if necessary)	January 8, 2010 at 10:00 a.m. in Courtroom A
Pre-trial conference ²	January 11, 2010 at 9:00 a.m. in Courtroom A
Trial	January 11 - 15, 2010 in Courtroom A
File initial post-trial briefs, proposed findings of fact and conclusions of law, and final exhibit lists	January 29, 2010
File reply post-trial briefs, objections and rebuttals to proposed findings of fact	February 5, 2010
Initial Determination due	June 25, 2010
Target date for completion of investigation	October 25, 2010

² The undersigned encourages the parties to meet and confer prior to the pre-trial conference in an attempt to resolve any outstanding motions and/or high priority objections.

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.


A handwritten signature in cursive script, appearing to read "Charles E. Bullock", written over a horizontal line.

Charles E. Bullock
Administrative Law Judge

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CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER NO. 8** has been served upon, **Erin D.E. Joffre, Esq.**, Commission Investigative Attorney, and the following parties via first class mail and air mail where necessary on September 30, **2009**.


Marilyn R. Abbott, Secretary *SNG*
U.S. International Trade Commission
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