

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN MOBILE AND PORTABLE
ELECTRONIC DEVICES
INCORPORATING HAPTICS
(INCLUDING SMARTPHONES AND
LAPTOPS) AND COMPONENTS
THEREOF**

Inv. No. 337-TA-1004

Inv. No. 337-TA-990

(Consolidated)

NOTICE TO THE PARTIES REGARDING CERTAIN EVIDENTIARY ISSUES

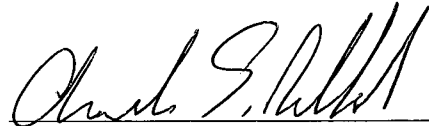
(April 17, 2017)

In order to streamline the evidentiary hearing scheduled for April 27 – May 4, 2017, the parties are hereby advised of the undersigned's policies regarding the following issues:

- **Claim charts:** Claim charts are treated as demonstratives and do not come in as substantive evidence.
- **Expert reports:** Expert reports are not admissible as substantive evidence, but may be used for impeachment purposes.
- **Discovery responses:** A party's own responses are not admissible as substantive evidence nor can a party use its own discovery responses to rehabilitate one of its own witnesses.
- **Declarations:** Declarations do not come into evidence, but may be used for impeachment of the declarant.
- **Deposition designations:** Absent an agreement among the parties, deposition testimony only comes in as evidence if it falls within one of the exceptions set forth in Commission Rule 210.28(h) or is being used for impeachment purposes.
- **Ground Rule 10.5.6:** The subject matter of the expert witness's testimony need only be mentioned in either that witness's expert report or deposition testimony to be deemed sufficient and thus, in compliance with Ground Rule 10.5.6.

The parties are hereby directed to provide the undersigned with a written update no later than noon on Wednesday, April 19, 2017 as to what portions of their respective motions *in limine* and high priority objections remain ripe for resolution in view of the above.

SO ORDERED.

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

Charles E. Bullock
Chief Administrative Law Judge

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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served by hand upon the Commission Investigative Attorney, **Lisa Murray, Esq.**, and the following parties as indicated, on **April 17, 2017**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

On Behalf of Complainant Immersion Corporation:

Barbara A. Murphy
FOSTER, MURPHY, ALTMA & NICKEL, PC
1899 L Street NW, Suite 1150
Washington, DC 20036

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

On Behalf of Respondent Apple Inc. & AT&T Mobility LLC:

Mark Fowler
DLA PIPER LLP (US)
2000 University Avenue
East Palo Alto, CA 94303

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____