

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN FLASH MEMORY DEVICES
AND COMPONENTS THEREOF**

Inv. No. 337-TA-1034

ORDER NO. 10: PROCEDURAL SCHEDULE

(February 24, 2017)

Pursuant to Order No. 4 (Feb. 6, 2017), the parties submitted a proposed procedural schedule, and a teleconference was held on Tuesday, February 21, 2017, where certain dates in the schedule were modified. The investigation shall proceed in accordance with the procedural schedule set forth below:


Event	Proposed Date
First settlement conference	By Friday, March 10, 2017
Submission of first settlement conference joint report	By Friday, March 17, 2017
Exchange Proposed Claim Construction (private parties)	Monday, April 17, 2017
Exchange Proposed Claim Construction (staff)	Friday, April 21, 2017
File tentative list of witnesses a party will call to testify at the hearing	Friday, May 12, 2017
Initial <i>Markman</i> Briefs (private parties)	Wednesday, May 17, 2017
Initial <i>Markman</i> Briefs (Staff)	Tuesday, May 23, 2017
Rebuttal <i>Markman</i> Briefs	Friday, May 26, 2017
File notice of prior art	Friday, June 2, 2017

Event	Proposed Date
File identification of expert witnesses, including their expertise and curriculum vitae	Monday, June 5, 2017
Initial tutorial on technology (if necessary)	Thursday, June 8, 2017
<i>Markman</i> Hearing	Thursday, June 8, 2017
Attendance at one-day mediation session	By Wednesday, June 21, 2017
Fact discovery cutoff and completion	Friday, June 23, 2017
Submission of joint report on mediation	By Wednesday, June 28, 2017
Deadline for motions to compel discovery	Friday, July 7, 2017
Exchange of initial expert reports (identify tests/surveys/data)	Friday, July 7, 2017
Exchange of rebuttal expert reports	Tuesday, July 25, 2017
Expert discovery cutoff and completion	Tuesday August 8, 2017
Deadline for filing summary determination motions	Thursday, August 17, 2017
Second settlement conference	By Tuesday, August 22, 2017
Submission of second settlement conference joint report	By Tuesday, August 29, 2017
Exchange proposed direct exhibits (including witness statements) with physical and demonstrative exhibits available – Complainant and Respondents ¹	Friday, September 8, 2017
Exchange proposed direct exhibits (including witness statements) with physical and demonstrative exhibits available - Staff	Tuesday, September 12, 2017
Exchange proposed rebuttal exhibits (including witness statements) with rebuttal physical and demonstrative exhibits available – all parties	Friday, September 15, 2017
Exchange of exhibit lists among the parties	Monday, September 18, 2017

¹ On this date, the private parties must also file requests for receipt of evidence without a sponsoring witness and exchange deposition designations. See Order No. 2 at 22-23 (Jan. 11, 2017) (Ground Rules 9.4.14.1, 9.4.14.2).

Event	Proposed Date
Submit proposed exhibits to the Administrative Law Judge- all parties	Tuesday, September 19, 2017
File pre-hearing statements and briefs- Complainant and Respondents	Thursday, September 21, 2017
Deadline for motions <i>in limine</i>	Monday, September 25, 2017
File high priority objections statement	Monday, September 25, 2017
File pre-hearing statements and briefs- Staff	Monday, October 2, 2017
File responses to motions <i>in limine</i>	Monday, October 2, 2017
File responses to high priority objections statement	Monday, October 2, 2017
Supplemental tutorial on technology (if necessary)	Monday, October 16, 2017
Pre-hearing conference	Monday, October 16, 2017
Hearing	October 16-20, 2017
File initial post-hearing briefs and final exhibit lists	Wednesday, November 1, 2017
File reply post-hearing briefs	Friday, November 10, 2017
Initial Determination due	Thursday, January 11, 2018
Target Date for completion of investigation	Thursday, May 11, 2018

SO ORDERED.


 Dee Lord
 Administrative Law Judge

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Staff, John Shin, Esq., and the following parties as indicated, on February 24, 2017



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

On Behalf of Complainant Memory Technologies, LLC:

Paul T. Ehrlich, Esq.
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- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: _____

**On Behalf of Respondents Western Digital Corporation,
Western Digital Technologies, Inc., SanDisk LLC, SanDisk
Limited, SanDisk Storage Malaysia Sdn. Bhd., and SanDisk
SemiConductor (Shanghai) Co., Ltd.:**

Lisa Kattan, Esq.
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