

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

**CERTAIN UV CURABLE COATINGS  
FOR OPTICAL FIBERS, COATED  
OPTICAL FIBERS, AND PRODUCTS  
CONTAINING SAME**

**Inv. No. 337-TA-1031**

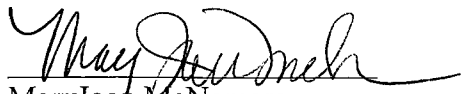
**ORDER NO. 3:**

**ADOPTING JOINT PROPOSED  
PROCEDURAL SCHEDULE**

(January 5, 2017)

In Order No. 2, filed on December 15, 2016, a procedural schedule was proposed for this Investigation. (Order No. 2 (Dec. 15, 2016)). In response to Order No. 2, Complainants DSM Desotech, Inc. and DSM IP Assets B.V. (collectively "Complainants"), Respondents Momentive UV Coatings (Shanghai) Co., Ltd. ("MUV" or "Momentive") and OFS Fitel, LLC ("OFS") and Commission Investigative Staff ("OUII" and collectively "the Parties") timely filed a Joint Proposed Procedural Schedule on December 29, 2016 that filled in certain dates left open in Order No. 2, adopted other proposed dates contained in Order No. 2, and requested that certain proposed dates in Order No. 2 be changed. (Joint Proposed Procedural Schedule, EDIS Doc. ID No. 599557 (Dec. 29, 2016); *cf.* Order No. 2). The Parties' Joint Proposed Procedural Schedule is adopted by this Order, as set forth in Attachment A hereto.

**SO ORDERED.**

  
MaryJoan McNamara  
Administrative Law Judge

ATTACHMENT A

Inv. No. 337-TA-1031

ADOPTED PROCEDURAL SCHEDULE

Event	Date
<b>Parties submit Discovery Statement</b> <b>Parties File a Proposed Procedural Schedule</b>	<b>December 29, 2016</b>
<b>Deadline for Propounding First Set of Interrogatories</b>	<b>December 6, 2016 (completed)</b>
<b>Deadline for Propounding First Request for Production of Documents</b>	<b>December 6, 2016 (completed)</b>
<b>Deadline for Complainant's Objections and Responses to Respondent's First Set of Interrogatories and Request for Production</b>	<b>January 23, 2017</b>
<b>Deadline for Respondent's Objections and Responses to Complainant's First Set of Interrogatories and Request for Production</b>	<b>January 23, 2017</b>
<b>Deadline for Initial Contention Interrogatories</b>	<b>January 26, 2017</b>
<b>Deadline for Initial Contention Deadline Interrogatory Responses</b>	<b>February 14, 2017</b>
<b>File Identification of Expert Witnesses, Including Their Expertise and Curriculum Vitae</b>	<b>February 2, 2017</b>
<b>Complainants File Notice of Patent Priority Dates/Dates of Conception and Curriculum Vitae</b>	<b>February 9, 2107</b>
<b>Parties Exchange List of Patent Claim Terms for Construction</b>	<b>February 9, 2017</b>
<b>Respondents Files Notice of Prior Art</b>	<b>February 27, 2017</b>
<b>Deadline for Disclosure of Invalidity Contentions</b>	<b>February 28, 2017</b>
<b>Deadline for Disclosure of Infringement Contentions</b>	<b>February 28, 2017</b>
<b>Complainants and Respondents provide Staff with Their Proposed Construction of Disputed Claim Terms</b>	<b>March 1, 2017</b>

ATTACHMENT A

Inv. No. 337-TA-1031

ADOPTED PROCEDURAL SCHEDULE

Event	Date
<b>File Joint Claim Construction Chart</b>	<b>March 8, 2017</b>
<b>Deadline to File <i>Markman</i> Hearing Proposals</b>	<b>March 8, 2017</b>
<b>Deadline for Disclosure of Domestic Industry Contentions</b>	<b>March 8, 2017</b>
<b>Deadline for Parties to Meet and Confer (including Staff) in an Attempt to Reconcile or Otherwise Limit Disputed Claim Terms</b>	<b>March 17, 2017</b>
<b>First Settlement Conference (Must Have Occurred by This Date)</b>	<b>March 22, 2017</b>
<b>Parties File a Joint List Showing Each Party's Proposed Construction of Disputed Claim Terms, with Initial Briefs by All Parties Explaining Their Initial Claim Constructions</b>	<b>March 24, 2017</b>
<b>Technology Stipulation Deadline</b>	<b>March 28, 2017</b>
<b>File Replies to Initial Claim Construction and Briefs</b>	<b>March 31, 2017</b>
<b><i>Markman</i> Hearing (if Ordered)</b>	<b>Week of April 10, 2017</b>
<b>Deadline for Post-<i>Markman</i> Hearing Claim Construction and Briefs</b>	<b>7 Days after <i>Markman</i> Hearing if ordered, or at date to be provided if there is no <i>Markman</i> Hearing</b>
<b>Last Day to File Motions to Compel Discovery</b>	<b>March 27, 2017</b>
<b>Fact Discovery Cutoff and Completion</b>	<b>April 18, 2017</b>
<b>File Tentative List of Witnesses a Party Will Call to Testify at the Evidentiary Hearing, with an Identification of Each Witness's Relationship to the Party</b>	<b>April 14, 2017</b>
<b>Exchange of Initial Expert Reports (Identify Tests/Surveys/Data)</b>	<b>April 25, 2017</b>
<b>Exchange of Rebuttal Expert Reports</b>	<b>May 2, 2017</b>

ATTACHMENT A

Inv. No. 337-TA-1031

ADOPTED PROCEDURAL SCHEDULE

Event	Date
<b>Expert Discovery Cutoff and Completion</b>	<b>May 16, 2017</b>
<b>Second Settlement Conference (Must Have Occurred by This Date)</b>	<b>May 5, 2017</b>
<b>Last Day to File Summary Determination Motions</b>	<b>May 22, 2017</b>
<b>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</b>	<b>May 10, 2017</b>
<b>Exchange of Exhibit Lists Among the Parties</b>	<b>May 12, 2017</b>
<b>Submit and Serve Direct Exhibits (Including Witness Statements, if Appropriate), with Physical and Demonstrative Exhibits Available – Complainant and Respondent</b>	<b>May 26, 2017</b>
<b>Submit and Serve Direct Exhibits (Including Witness Statements), with Physical and Demonstrative Exhibits Available -- Staff</b>	<b>May 30, 2017</b>
<b>File Pre-hearing Statements and Briefs – Complainant and Respondent (No more than 75 pages)</b>	<b>June 14, 2017</b>
<b>File Pre-hearing Statement and Brief -- Staff (No More Than 75 pages)</b>	<b>June 26, 2017</b>
<b>File Requests for Receipt of Evidence Without a Witness</b>	<b>June 28, 2017</b>
<b>Attendance at One-day Mediation Session<sup>1</sup></b>	<b>By June 30, 2017</b>
<b>Submission of Mediation Report</b>	<b>(Within 7 days of Mediation)</b>

<sup>1</sup> For any questions regarding the mediation program, the parties should refer to the Revised Users' Manual for Commission Mediation Program, available at <http://www.usitc.gov>.

ATTACHMENT A

Inv. No. 337-TA-1031

ADOPTED PROCEDURAL SCHEDULE

Event	Date
<b>Submit and Serve Rebuttal Exhibits (including Witness Statements), with Rebuttal Physical and Demonstrative Exhibits Available -- All Parties</b>	<b>June 30, 2017</b>
<b>Last day to file Motions <i>in Limine</i></b>	<b>July 6, 2017</b>
<b>File High Priority Objections</b>	<b>July 6, 2017</b>
<b>File Responses to Motions <i>in Limine</i></b>	<b>July 14, 2017</b>
<b>File Responses to High Priority Objections</b>	<b>July 14, 2017</b>
<b>Submission of Declarations justifying Confidentiality of Exhibits</b>	<b>July 12, 2017</b>
<b>Pre-Hearing Conference</b>	<b>July 31, 2017, location TBA</b>
<b>Evidentiary Hearing (Starting with Tutorials, as Parties Propose)</b>	<b>9:30 a.m., July 31, 2017- August 4, 2017 location TBA</b>
<b>Last day to submit Final Exhibits, by Appointment. All Exhibits Should be Properly Labeled. (Follow the Ground Rules)</b>	<b>No more than four (4) business days after hearing</b>
<b>File Initial Post-Hearing Briefs <u>and</u> Final Exhibit Lists (No More Than 75 pages)</b>	<b>August 18, 2017</b>
<b>Submit Final JOINT Direct and Rebuttal Exhibits (CDROM or Flash Drive)</b>	<b>August 18, 2017</b>
<b>File Reply Post-Hearing Briefs (No More Than 50 pages)</b>	<b>August 25, 2017</b>
<b>Final ID due</b>	<b>December 5, 2017</b>
<b>Target Date</b>	<b>April 5, 2018</b>

**CERTAIN UV CURABLE COATING FOR OPTICAL FIBERS, COATED OPTIONAL FIBERS, AND PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-1031

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, Todd P. Taylor, Esq., and the following parties as indicated, on **January 5, 2017**



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

**On Behalf of Complainants DSM Desotech, Inc. and DSM IP Assets B.V.:**

Christine E. Lehman, Esq.  
**FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP**  
901 New York Avenue, NW  
Washington, DC 20001

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

**On Behalf of Respondent Momentive UV Coatings (Shanghai) Co., Ltd.:**

Edmond R. Bannon, Esq.  
**FISH & RICHARDSON P.C.**  
601 Lexington Avenue, 52<sup>nd</sup> Floor  
New York, NY 10022

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

**On Behalf of Respondent OFS Fitel, LLC:**

Bradley J. Olson, Esq.  
**BARNES & THORNBURG, LLP**  
1717 Pennsylvania Avenue, N.W.  
Suite 500  
Washington, DC 20006

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: \_\_\_\_\_