

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN BASKETBALL BACKBOARD
COMPONENTS AND PRODUCTS
CONTAINING THE SAME**

Inv. No. 337-TA-1040

**ORDER NO. 3: SETTING TARGET DATE, HEARING DATES, AND
PRELIMINARY CONFERENCE**

(February 9, 2017)

On February 1, 2017, the Commission issued a Notice of Investigation in this matter upon a complaint alleging violations of section 337 of the Tariff Act of 1930, as amended, by reason of infringement of certain claims of U.S. Patent No. 7,749,111 (“the ’111 patent”); U.S. Patent No. 8,845,463 (“the ’463 patent”); and U.S. Patent No. 8,852,034 (“the ’034 patent”)..

The Commission ordered that an investigation be instituted to determine:

whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain basketball backboard components and products containing the same by reason of infringement of one or more of claims 1, 10, 19, 25, and 35 of the ’111 patent; claims 1, 2, 6, 12, and 23 of the ’463 patent; and claims 18, 26, 28, 39, and 43 of the ’034 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

Notice of Investigation at 2. The Investigation was instituted upon publication of the Notice of Investigation in the *Federal Register* on Tuesday, February 7, 2017. 82 Fed. Reg. 9595-96 (2017); see 19 C.F.R. § 210.10(b). The Complainant is Lifetime Products, Inc. of Clearfield, Utah. Notice of Investigation at 2. The Respondents are Russell Brands, LLC d/b/a Spalding of

Bowling Green, Kentucky, and Reliable Sports Equipment (Wujiang) Co. Ltd. of Jiangsu, China.
Id.

Based upon the issues identified in the Complaint and Notice of Investigation, the target date for completion of this Investigation shall be Thursday, June 7, 2018, which is sixteen months after institution of the Investigation. *See* 19 C.F.R. § 210.51(a). Accordingly, the initial determination on alleged violation of section 337 shall be due by Wednesday, February 7, 2018. *See* 19 C.F.R. § 210.42(a)(1)(i).

The evidentiary hearing in this Investigation shall begin following a pre-hearing conference on Monday, November 13, 2017, and it will conclude by the close of business on Friday, November 17, 2017. *See* 19 C.F.R. § 210.36. Pursuant to Ground Rule 5.2, I have determined that a *Markman* hearing would be beneficial to this Investigation, and a *Markman* hearing shall be held on Thursday, July 13, 2017. The parties may also present technology tutorials on the day of the *Markman* hearing.

The parties shall submit a proposed procedural schedule no later than Friday, March 3, 2017, taking into account the target date and the above-identified dates for hearings. The contents for the procedural schedule are set forth in Ground Rule 2. The parties should make intensive good faith efforts to agree to a procedural schedule, and it is expected that in most instances the parties will submit a joint proposal. Any proposed procedural schedule should not be filed with the Secretary but served on the Administrative Law Judge pursuant to Ground Rule 1.3 with an electronic copy in Word format pursuant to Ground Rule 1.4.

I will hold a preliminary conference on Tuesday, March 7, 2017, at 11:00 a.m. via teleconference. The parties should be prepared to discuss any issues with respect to the ground rules, the protective order, the procedural schedule, discovery, and any other matters that may

have surfaced. Counsel for Complainant shall be responsible for the logistics of the teleconference, including arranging for a court reporter and circulating a dial-in number.

SO ORDERED.

Dee Lord

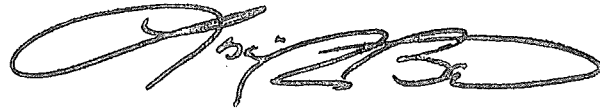
Dee Lord
Administrative Law Judge

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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the following parties as indicated, on February 9, 2017



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

On Behalf of Complainant Lifetime Products, Inc.:

Daniel E. Yonan, Esq.
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Washington, DC 20005

- Via Hand Delivery
- Via Express Delivery
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**On Behalf of Respondents Russell Brands, LLC d/b/a
Spaulding and Reliable Sports Equipment (Wujiang) Co.
Ltd.:**

V. James Adduci, II
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