

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN WINDSHIELD WIPERS
AND COMPONENTS THEREOF

Inv. No. 337-TA-928

**ORDER NO. 3: REGARDING TARGET DATE, CASE MANAGEMENT
CONFERENCE, AND PROCEDURAL SCHEDULE**

(September 10, 2014)

By publication of a notice in the Federal Register on Tuesday, September 2, 2014, the U.S.

International Trade Commission ordered that:

Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, 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 windshield wipers and components thereof by reason of infringement of one or more of claims 1, 2, 7, 8, 10, 11, 13, 14, 18, 19, 31, and 32 of the '044 patent; claims 1-16 of the '798 patent; and claims 1, 12, 13, 15, and 17-19 of the '106 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

79 F.R. 52041-42 (September 2, 2014).

Pursuant to the Commission's notice, The Complainants in this Investigation are Valeo North America, Inc. and Delmex de Juarez S. de R.L. de C.V. (collectively, "Valeo"). The named Respondents are Federal-Mogul Corp., Federal-Mogul Vehicle Component Solutions, Inc., and Federal-Mogul S.A. (collectively, "Federal-Mogul").

The target date for this Investigation shall be Monday, January 4, 2016, which is sixteen months from the date the Notice of Investigation was published in the Federal Register. *See* 19 C.F.R. § 210.51(a). Consequently, any final initial determination would be due by Friday, September 4, 2015. *See* 19 C.F.R. § 210.42(a)(1)(i).

Initial Case Management Conference

Pursuant to Ground Rule 6, I will hold the initial case management conference in this Investigation on **Tuesday, October 7, 2014 at 10:00 AM ET**. The conference will be held telephonically. Complainant shall be responsible for setting up the teleconference number, ensuring a court reporter is present to transcribe the call, and filing the transcript of the teleconference on EDIS. As set forth in Ground Rule 6.3, each party shall submit a case management statement two (2) business days prior to the scheduled initial case management conference on **Friday, October 3, 2014** by the close of business.

Procedural Schedule

I hereby order that the Procedural Schedule attached hereto as Appendix A is now in effect. A technology tutorial will commence at 8:45 AM on Thursday, December 11, 2014. The tutorial shall be followed by a *Markman* hearing, which shall conclude no later than 4:45 PM that day. The pre-hearing conference in this Investigation shall commence at 8:45 AM on Friday, May 1, 2015, and shall conclude no later than 11:45 AM that day. The Hearing in this Investigation shall commence at 8:45 AM on Monday, May 4, 2015, and shall conclude no later than 11:45 AM on Friday, May 8, 2015.

The parties shall meet and confer to jointly propose deadlines for those events in the Procedural Schedule where no deadline is indicated, and the parties may also propose modifications to the listed deadlines. The parties shall submit a joint procedural schedule at the same time the parties submit their initial case management statements.

SO ORDERED.



Thomas B. Pender
Administrative Law Judge

APPENDIX A

Procedural Schedule, Investigation No. 337-TA-928	
Event	Date
Deadline for Propounding Ground Rule 6.2 Interrogatories	Tuesday, September 23, 2014
Initial Case Management Conference	Tuesday, October 7, 2014
Exchange list of claim terms for construction	Monday, October 13, 2014
First settlement conference	
Submit first settlement conference joint report	
Deadline for Ground Rule 7.1 Disclosure of Priority Dates and Dates of Conception/Reduction to Practice	Friday, October 24, 2014
Exchange proposed claim constructions	Monday, October 27, 2014
File joint claim construction chart	Monday, November 3, 2014
File initial claim construction briefs	Monday, November 10, 2014
File identification of expert witnesses, including their expertise and curriculum vitae	
Deadline for Ground Rule 7.2 Disclosure of Products	Friday, November 21, 2014
File reply claim construction briefs	Monday, November 24, 2014
Deadline for Ground Rule 7.3 Disclosure of Domestic Industry Contentions	Friday, December 5, 2014
Technical Tutorial	Thursday, December 11, 2014
<i>Markman</i> Hearing	Thursday, December 11, 2014
Deadline for Ground Rule 7.4 Disclosure of Infringement Contentions	Monday, January 12, 2015
Deadline for Ground Rule 7.5 Disclosure of Invalidity Contentions	Monday, January 12, 2015
Fact discovery cutoff and completion	Monday, January 26, 2015
Second settlement conference	
Submit second settlement conference joint report	

Procedural Schedule, Investigation No. 337-TA-928	
Event	Date
Serve initial expert reports	Monday, February 9, 2015
Serve rebuttal expert reports	Monday, February 23, 2015
Deadline for filing summary determination motions	Monday, March 2, 2015
Expert discovery cutoff and completion	Monday, March 9, 2015
File requests for receipt of evidence without a witness	
Serve proposed exhibit lists	
Serve direct exhibits (including witness statements), with available physical and demonstrative exhibits	
File objections to direct exhibits (including witness statements)	
File responses to objections to direct exhibits (including witness statements)	
Serve rebuttal exhibits (including witness statements), with available rebuttal physical and demonstrative exhibits	
File pre-hearing statements and briefs	Friday, April 3, 2015
Submit on electronic media direct and rebuttal exhibits (including witness statements) with available direct and rebuttal physical and demonstrative exhibits	
Deadline for filing motions <i>in limine</i>	
File objections to rebuttal exhibits (including witness statements)	
File responses to objections to rebuttal exhibits (including witness statements)	
File responses to motions <i>in limine</i>	Friday, April 17, 2015
Third settlement conference	
Submit third settlement conference joint report	
Pre-hearing conference	Friday, May 1, 2015

Procedural Schedule, Investigation No. 337-TA-928	
Event	Date
Hearing	Monday, May 4, 2015 – Friday, May 8, 2015
File initial post-hearing briefs and final exhibit lists	Friday, May 22, 2015
Submit final direct and rebuttal exhibits (including witness statements) with direct and rebuttal physical and demonstrative exhibits	Friday, May 22, 2015
File reply post-hearing briefs	Friday, June 5, 2015
Initial Determination Due	Friday, September 4, 2015
Target date for completion of investigation	Monday, January 4, 2016

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CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **PUBLIC ORDER NO. 2** have been served upon the following parties on September 10, 2014.



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

**FOR COMPLAINANTS VALEO NORTH AMERICA, INC. & DELMEX de JUAREZ S.
de R.L. de C.V.:**

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() Via Hand Delivery
() Via Express Delivery
() Via First Class Mail
() Other: _____

**FOR RESPONDENTS FEDERAL-MOGUL
CORPORATION, FEDERAL-MOGUL VEHICLE
COMPONENT SOLUTIONS, INC., & FEDERAL-MOGUL
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