

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN WIRELESS DEVICES, INCLUDING
MOBILE PHONES AND TABLETS III

Inv. No. 337-TA-942

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

(February 9, 2015)

By publication of a notice in the Federal Register on December 30, 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 wireless devices, including mobile phones and tablets, by reason of infringement of one or more of claims 1-25 and 27-33 of the '795 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

79 F.R. 78478 (December 30, 2014).

Pursuant to the Commission's notice, the Complainant in this Investigation is Pragmatus Mobile, LLC, of Alexandria, VA. The named Respondents are ASUSTeK Computer, Inc., of Taiwan; ASUS Computer International, Inc., of Fremont, CA; and ASUS Technology Pte. Ltd., of Singapore. The Office of Unfair Import Investigations is not a party in this Investigation. *Id.*

The target date for this Investigation shall be Friday, April 29, 2016, which is almost 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 Tuesday, December 29, 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 **February 26, 2015 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, which in this instance would be by the close of business on **Monday, February 23, 2015**.

Procedural Schedule

I hereby order that the Procedural Schedule attached hereto as Appendix A is now in effect. A technology tutorial will commence at 9:00 AM ET on Monday, May 04, 2015. The tutorial shall be immediately followed by a *Markman* hearing, which shall conclude no later than 4:40 PM ET on Tuesday, May 05, 2015. The pre-hearing conference in this Investigation shall commence at 9:00 AM ET on Friday, September 11, 2015, and shall conclude no later than 11:45 AM that day. The Hearing in this Investigation shall commence at 9:00 AM ET on Monday, September 14, 2015, and shall conclude no later than 11:45 AM ET on Friday, September 18, 2015.

The parties shall meet and confer to jointly propose deadlines for those events in the Procedural Schedule where no deadline is indicated. 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, CASE NO. 337-TA-942	
Event	Date
Deadline for Propounding Ground Rule 6.2 Interrogatories	Friday, February 13, 2015
Initial Case Management Conference	Thursday, February 26, 2015
File identification of expert witnesses, including their expertise and curriculum vitae	
Deadline for Ground Rule 7.1 Disclosure of Priority Dates and Dates of Conception/Reduction to Practice	Thursday, March 12, 2015
Exchange list of claim terms for construction	
Exchange proposed claim constructions	
File joint claim construction chart	
Deadline for Ground Rule 7.2 Disclosure of Products	Thursday, April 02, 2015
Deadline for Ground Rule 7.3 Disclosure of Domestic Industry Contentions	Thursday, April 02, 2015
First settlement conference	
Submit first settlement conference joint report	
File initial claim construction briefs	Monday, April 06, 2015
File reply claim construction briefs	Monday, April 20, 2015
Technical Tutorial	Monday, May 04, 2015
Markman Hearing	Monday, May 04, 2015 through Tuesday, May 05, 2015
Deadline for Ground Rule 7.5 Disclosure of Invalidity Contentions	Thursday, May 28, 2015
Deadline for Ground Rule 7.4 Disclosure of Infringement Contentions	Thursday, May 28, 2015
Issue Order Construing Terms (*tentative date*)	Friday, June 05, 2015
Fact discovery cutoff and completion	Friday, June 05, 2015
Second settlement conference	
Submit second settlement conference joint report	
Serve initial expert reports	Friday, June 19, 2015
Serve rebuttal expert reports	Friday, July 03, 2015
Deadline for filing summary determination motions	Monday, July 13, 2015
Expert discovery cutoff and completion	Friday, July 17, 2015
Third settlement conference	
Submit third settlement conference joint report	
File requests for receipt of evidence without a witness	
Serve proposed exhibit lists	

Serve proposed direct exhibits (including witness statements), with available proposed physical and demonstrative exhibits	
File objections to proposed direct exhibits (including witness statements)	
File responses to objections to proposed direct exhibits (including witness statements)	
Serve proposed rebuttal exhibits (including witness statements), with available proposed rebuttal physical and demonstrative exhibits	
File pre-hearing statements and briefs	Friday, August 14, 2015
Submit on electronic media proposed direct and proposed rebuttal exhibits (including witness statements) with available proposed direct and proposed rebuttal physical and demonstrative exhibits	Friday, August 14, 2015
Deadline for filing motions <i>in limine</i>	
File objections to proposed rebuttal exhibits (including witness statements)	
File responses to objections to proposed rebuttal exhibits (including witness statements)	
File responses to motions <i>in limine</i>	Friday, August 28, 2015
Pre-hearing conference	Friday, September 11, 2015
Hearing	Monday, September 14, 2015 through Friday, September 18, 2015
File initial post-hearing briefs and final exhibit lists	Friday, October 02, 2015
Submit final direct and rebuttal exhibits (including witness statements) with direct and rebuttal physical and demonstrative exhibits	Friday, October 02, 2015
File reply post-hearing briefs	Friday, October 16, 2015
Initial Determination Due	Tuesday, December 29, 2015
Target date for completion of investigation	Wednesday, April 29, 2016

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337-TA-942

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **PUBLIC ORDER NO. 03** has been served upon the following parties via first class mail and air mail where necessary on

February 10, 2015.



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

FOR COMPLAINANT PRAGMATUS:

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() Via Hand Delivery
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() Other: _____

**FOR RESPONDENTS ASUSTeK COMPUTER, INC., ASUS COMPUTER
INTERNATIONAL, INC. & ASUS TECHNOLOGY PTE. LTD.**

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