

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN BLOOD CHOLESTEROL TEST
STRIPS AND ASSOCIATED SYSTEMS
CONTAINING SAME**

Inv. No. 337-TA-969

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

(November 10, 2015)

By publication of a notice in the Federal Register on November 5, 2015, 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 blood cholesterol test strips and associated systems containing same by reason of infringement of one or more of claims 1, 3, 10-12, and 17-19 of [U.S. Patent No. 7,087,397], and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

80 F.R. 68563 (Nov. 5, 2015).

The Complainant in this Investigation is Polymer Technology Systems, Inc. and the Respondents are Infopia Co., Ltd., Infopia America LLC, and Jant Pharmacal Corporation. The Office of Unfair Import Investigations is also a party in this Investigation.

The target date for this Investigation shall be March 3, 2017, which is sixteen months from the date that 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 Thursday, November 3, 2016. *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 **Monday, November 23, 2015 at 10:00 AM ET**. The conference will be held telephonically. Complainants 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 **Wednesday, November 18, 2015** 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 ET on Monday, March 21, 2016. The tutorial shall be immediately followed by a *Markman* hearing, which shall conclude no later than 4:45 PM ET on Tuesday, March 22, 2016. The pre-hearing conference in this Investigation shall commence at 8:45 AM ET on Friday, July 8, 2016, and shall conclude no later than 11:45 AM that day. The Hearing in this Investigation shall commence at 8:45 AM ET on Monday, July 11, 2016, and shall conclude no later than 11:45 AM ET on Friday, July 15, 2016.

The parties shall meet and confer to jointly propose deadlines for those events in the Procedural Schedule where no deadline is indicated, including deadlines for the Commission Investigative Staff. The parties may also propose modifications to the listed deadlines. Further, the parties may jointly propose including additional deadlines, including deadlines for the

Commission Investigative Staff. The parties shall submit a joint procedural schedule at the same time the parties submit their initial case management statements.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Thomas B. Pender", with a long horizontal flourish extending to the right.

Thomas B. Pender
Administrative Law Judge

APPENDIX A

PROCEDURAL SCHEDULE, CASE NO. 337-TA-969	
Event	Date
Initial Case Management Conference	Monday, November 23, 2015
Deadline for Propounding Ground Rule 6.2 Interrogatories	Friday, December 4, 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	Friday, January 8, 2016
Exchange list of claim terms for construction	Friday, January 15, 2016
Exchange proposed claim constructions	Friday, January 22, 2016
File joint claim construction chart	Friday, January 29, 2016
First settlement conference	
Submit first settlement conference joint report	
Deadline for Ground Rule 7.2 Disclosure of Products	Friday, February 5, 2016
Deadline for Ground Rule 7.3 Disclosure of Domestic Industry Contentions	Friday, February 5, 2016
File initial claim construction briefs	Friday, February 19, 2016
File reply claim construction briefs	Friday, March 4, 2016
Deadline for Ground Rule 7.4 Disclosure of Infringement Contentions	Friday, March 11, 2016
Deadline for Ground Rule 7.5 Disclosure of Invalidity Contentions	Friday, March 11, 2016
Technology Tutorial	Monday, March 21, 2016
Markman Hearing	Monday, March 21, 2016 through Tuesday, March 22, 2016
Issue Order Construing Terms (*tentative date*)	Friday, April 22, 2016
Fact discovery cutoff and completion	Friday, April 22, 2016

PROCEDURAL SCHEDULE, CASE NO. 337-TA-969

Event	Date
Second settlement conference	
Submit second settlement conference joint report	
Deadline for filing summary determination motions	Friday, May 6, 2016
Serve initial expert reports	Friday, May 6, 2016
Serve rebuttal expert reports	Friday, May 20, 2016
Expert discovery cutoff and completion	Friday, June 3, 2016
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, June 10, 2016
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, June 10, 2016
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)	

PROCEDURAL SCHEDULE, CASE NO. 337-TA-969

Event	Date
File responses to motions <i>in limine</i>	Friday, June 24, 2016
Pre-hearing conference	Friday, July 8, 2016
Hearing	Monday, July 11, 2016 through Friday, July 15, 2016
File initial post-hearing briefs and final exhibit lists	Friday, July 29, 2016
Submit final direct and rebuttal exhibits (including witness statements) with direct and rebuttal physical and demonstrative exhibits	Friday, July 29, 2016
File responsive post-hearing briefs	Friday, August 12, 2016
File reply post-hearing briefs	Friday, August 19, 2016
Initial Determination Due	Thursday, November 3, 2016
Target date for completion of investigation	Friday, March 3, 2017

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337-TA-969

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **PUBLIC ORDER NO. 03** has been served upon the **Commission Investigative Attorney, Jeffrey Hsu.**, and the following parties as indicated on NOV 10 2015.



Lisa R. Barton, Secretary
U.S. International Trade Commission
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