UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN AIR MATTRESS SYSTEMS,
COMPONENTS THEREOF, AND
METHODS OF USING THE SAME

Inv. No. 337-TA-971

ORDER NO. 3: ORDER SETTING TARGET DATE AND DATE FOR
SUBMISSION OF PROPOSED PROCEDURAL SCHEDULE

(December 9, 2015)

Target Date

Pursuant to Commission Rule 210.51(a), a target date for completion of the Investigation in the above-captioned matter must be set. The Notice of Investigation was published on November 20, 2015. 80 Fed. Reg. 72,738 (Nov. 20, 2015). Complainants, Respondents, and the Commission Investigative Staff all propose a 15-month target date.

After considering the positions of the parties and in view of the undersigned’s responsibilities in other investigations, a target date of March 20, 2017 is hereby set for this Investigation.

Proposed Procedural Schedule(s)

Proposed procedural schedule(s) should be received by the undersigned no later than close of business on December 21, 2015. Said proposed procedural schedule should include dates for each of the events set forth in Ground Rule 2 (if applicable), including dates by which contention interrogatory responses are to be provided. The parties should also include dates for the following events:
Exchange of initial expert reports on claim construction issues
Exchange of rebuttal expert reports on claim construction issues
Meet and confer to discuss and limit number of disputed claim terms
Initial *Markman* briefs
Rebuttal *Markman* briefs
Submission of joint proposed claim construction chart
Submission of updated joint proposed claim construction chart (post-*Markman* hearing)
Proposed issuance of claim construction order

Based on a review of the undersigned’s current caseload, the *Markman* hearing will take place on February 17, 2016 and the evidentiary hearing will be held August 1-5, 2016. The parties shall take these dates into consideration when proposing their procedural schedule.

The proposed schedule includes dates for two settlement meetings and one mandatory mediation (which will not include the Administrative Law Judge) at a time, date, and location of the parties choosing for the exploration of settlement, by persons of requisite authority, of some or all of the issues in the case. Unless the parties obtain the permission of the undersigned, for good cause shown, the settlement meetings should not occur by video-conferencing or by teleconferencing. The parties should also include dates in the proposed schedule for filing the joint settlement conference reports.

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1 If the parties limit the number of terms to five or less, the undersigned anticipates issuing the *Markman* order approximately five weeks after the hearing. If, however, the parties propose more than five terms for construction, the earliest the *Markman* order will issue is two months after the hearing.
The parties should make intensive good faith efforts to agree to a procedural schedule. It is expected that in most instances the parties should be able to submit a joint proposal on this matter.

SO ORDERED.

Charles E. Bullock
Chief Administrative Law Judge
CERTAIN AIR MATTRESS SYSTEMS, COMPONENTS THEREOF, AND METHODS OF USING THE SAME

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached ORDER NO. 3 has been served by hand upon the Commission Investigative Attorney, Andrew Bevernia, Esq., and the following parties as indicated, on

DEC 1 0 2015

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

On Behalf of Complainants Select Comfort Corporation and Select Comfort SC Corporation:

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On Behalf of Respondents Sizewise Rentals, LLC, American National Manufacturing, Inc., and Dires, LLC, d/b/a Personal Comfort Bed:

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