

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN RECOMBINANT FACTOR
VIII PRODUCTS**

Inv. No. 337-TA-956

**ORDER NO. 42: SCHEDULING ORAL ARGUMENT AT CONCLUSION OF
EVIDENTIARY HEARING**

(March 11, 2016)

On February 10, 2016, Order No. 26 denied the parties' motions for summary determination regarding the economic prong of the domestic industry requirement. On February 12, 2016, Order No. 27 denied Respondents' motion for summary determination of non-infringement. These orders identified certain matters that were raised in the parties' briefs but not sufficiently addressed to render summary determination appropriate. *See* Order No. 26 at 10-12; Order No. 27 at 5-6. To aid the Administrative Law Judge in deciding the issues of domestic industry (economic prong) and the interpretation of the "selective pressure" limitation of the '252 patent, the parties shall be prepared to present oral argument at the conclusion of the evidentiary hearing.

The parties shall allow at least two hours for these oral arguments on the last day of the hearing, which may be allocated between the two issues as appropriate. On the domestic industry issue, Complainants shall argue first; and on the claim construction issue, Respondents shall argue first. The parties will be allowed rebuttal arguments as necessary. The evidence discussed in these arguments shall be limited to exhibits that are in the record, and any

demonstratives that will be used shall be exchanged in advance. The parties may raise any procedural questions regarding these oral arguments at the pre-hearing conference.

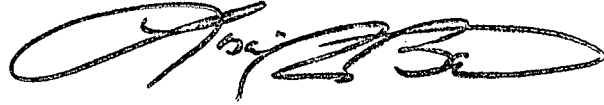
SO ORDERED.



Dee Lord
Administrative Law Judge

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney Brian Koo, Esq., and the following parties as indicated, on **MAR 11 2016**



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

On Behalf of Complainants Baxter International Inc., Baxter Healthcare Corporation, and Baxter Healthcare SA:

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