

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN ATHLETIC FOOTWEAR

Inv. No. 337-TA-1018

**ORDER NO. 4: ORDER SETTING TARGET DATE AND DATE FOR  
SUBMISSION OF PROPOSED PROCEDURAL SCHEDULE**

(September 29, 2016)

**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 September 13, 2016. 81 Fed. Reg. 62,920-921 (Sept. 13, 2016). Complainants and Respondents propose a 14-month target date.

After considering the positions of the parties and in view of the undersigned's responsibilities in other investigations, a 16-month target date 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 October 6, 2016. 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 <i>Markman</i> briefs
Rebuttal <i>Markman</i> briefs
Submission of joint proposed claim construction chart
Submission of updated joint proposed claim construction chart (post- <i>Markman</i> hearing)
Proposed issuance of claim construction order <sup>1</sup>

Based on a review of the undersigned's current caseload, the *Markman* hearing will take place on January 19, 2017 and the evidentiary hearing will be held June 19-23, 2017. The parties shall take these dates into consideration when proposing their procedural schedule.

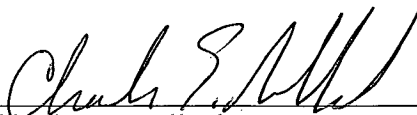
The proposed schedule includes dates for two settlement meetings and one mandatory mediation (which will not include the Administrative Law Judge) at a time, date, and location of the parties choosing for the exploration of settlement, by persons of requisite authority, of some or all of the issues in 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.

---

<sup>1</sup> If the parties limit the number of terms to four or less, the undersigned anticipates issuing the *Markman* order approximately five weeks after the hearing. If, however, the parties propose more than four terms for construction, the earliest the *Markman* order will issue is two months after the hearing.

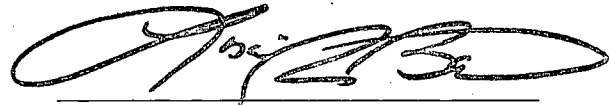
The parties should make intensive good faith efforts to agree to a procedural schedule. It is expected that in most instances the parties should be able to submit a joint proposal on this matter.

**SO ORDERED.**

  
\_\_\_\_\_  
Charles E. Bullock  
Chief Administrative Law Judge

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER NO. 4** has been served upon the following parties as indicated, on **September 29, 2016**.



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

**On Behalf of Complainants Reebok International Ltd.:**

Joshua B. Pond, Esq.  
**KILPATRICK TOWNSEND & STOCKTON LLP**  
607 14<sup>th</sup> Street NW, Suite 900  
Washington, DC 20005

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

**On Behalf of Respondents TRB Acquisitions LLC; RBX Active 01 LLC, RBX DIRECT LLC, RBX.COM LLC; AND Elite Performance Footwear, LLC:**

Anthony W. Shaw  
**ARENT FOX LLP**  
1675 Broadway  
New York, NY 10019

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: \_\_\_\_\_