

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

**CERTAIN OBSTRUCTIVE SLEEP APNEA  
TREATMENT MASK SYSTEMS AND  
COMPONENTS THEREOF**

**INV. NO. 337-TA-1136**

**ORDER NO. 5: SETTING PROCEDURAL SCHEDULE**

(November 21, 2018)

On November 16, 2018, and pursuant to Order No. 3, the parties in this investigation submitted a proposed procedural schedule. On November 19, 2018, I heard argument from the parties about the schedule. Having heard the parties, I hereby adopt the following procedural schedule:

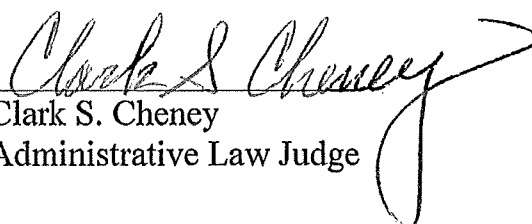
<b>Event</b>	<b>Deadline</b>
Respondents serve/submit applications for subpoenas and/or deposition notices for foreign inventors.	November 21, 2018
Exchange list of claim terms to be construed	December 5, 2018
Complainant files status update regarding reduction of asserted claims	December 10, 2018
Respondents file status update regarding reduction of asserted prior art references	December 17, 2018
Exchange proposed constructions for all terms on all lists	December 17, 2018
Case management teleconference	December 20, 2018 1:00PM ET

Event	Deadline
File chart of agreed and disputed constructions	December 28, 2018
File identification of expert witnesses, including their expertise and curriculum vitae	January 4, 2019
File opening claim construction briefs	January 7, 2019
File responsive claim construction briefs	January 22, 2019
Markman claim construction hearing & case management conference	February 6, 2019 9:00AM ET
File notice of prior art	February 22, 2019
Case management teleconference	February 28, 2019 1:00PM ET
Respondents disclose details of any re-design product to complainant	March 4, 2019
Exchange initial expert reports (identify tests/surveys/data)	March 15, 2019
Case management teleconference	March 28, 2019 1:00PM ET
File tentative list of witnesses a party will call to testify at the hearing, with an identification of each witness' relationship to the party	April 1, 2019
Exchange rebuttal expert reports	April 5, 2019
Fact discovery cutoff and completion	April 24, 2019
Expert discovery cutoff and completion	April 24, 2019
Case management teleconference	April 25, 2019 1:00PM ET
Deadline for motions to compel discovery	April 25, 2019
Deadline for filing summary determination motions	April 25, 2019

Event	Deadline
One-day mediation session	May 8, 2019
Submit joint report on mediation	May 10, 2019
Exchange of exhibit lists among the parties	May 13, 2019
Complainant and respondents serve proposed direct exhibits, including prepared demonstrative exhibits, and identify physical exhibits	May 15, 2019
Complainant and respondents file pre-trial statements and briefs	May 24, 2019
Serve proposed rebuttal exhibits, including rebuttal demonstrative exhibits, and identify rebuttal physical exhibits	May 29, 2019
Case management teleconference	May 31, 2019 1:00PM ET
File joint list of unopposed exhibits	May 31, 2019
Deadline for motions <i>in limine</i>	June 3, 2019
Final pre-hearing conference	June 21, 2019 9:00AM ET
Hearing	June 24-28, 2019
File final exhibit list	July 8, 2019
Complainant and respondents file post-hearing initial briefs with the Secretary and submit final exhibits with the Administrative Law Judge	July 18, 2019
Complainant and respondent file post-hearing responsive briefs	August 9, 2019

Event	Deadline
Initial determination due	October 14, 2019 <sup>1</sup>
Target date for completion of investigation	February 12, 2020

**SO ORDERED.**

  
Clark S. Cheney  
Administrative Law Judge

---

<sup>1</sup> October 12, 2019, falls on a Saturday.

**CERTAIN OBSTRUCTIVE SLEEP APNEA  
TREATMENT MASK SYSTEMS AND COMPONENTS  
THEREOF**

Inv. No. 337-TA-1136

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER NO. 5** has been served by hand upon the following parties as indicated, on **November 21, 2018**.



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

**On Behalf of Complainant Fisher & Paykel Healthcare Limited:**

Jon W. Gurka, Esq.  
**KNOBBE, MARTENS, OLSON & BEAR, LLP**  
2040 Main Street, 14th Floor  
Irvine, CA 92614

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

**On Behalf of Respondents: ResMed Corp., ResMed Inc., and ResMed Limited**

Sean C. Cunningham, Esq.  
**DLA PIPER LLP (US)**  
401 B Street  
Suite 1700  
San Diego, CA 92101

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