

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN WIRELESS HEADSETS

Inv. No. 337-TA-943

**ORDER NO. 5: REGARDING TARGET DATE, CASE MANAGEMENT
CONFERENCE, AND PROCEDURAL SCHEDULE**

(February 9, 2015)

By publication of a notice in the Federal Register on January 13, 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 wireless headsets by reason of infringement of one or more of claims 3, 4, 8, 10, and 11 of the '258 patent and claims 1-6 and 10 of the '391 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

80 F.R. 1663 (January 13, 2015).

Pursuant to the Commission's notice, the Complainant in this Investigation is One-E-Way, Inc., of Pasadena, CA. The named Respondents are: Sony Corporation, of Tokyo, Japan; Sony Corporation of America, of New York, NY; Sony Electronics, Inc., of San Diego, CA; Sennheiser Electronic GmbH & Co. KG, of Wedemark, Germany; Sennheiser Electronic Corporation, of Old Lyme, CT; BlueAnt Wireless Pty, Ltd., of Australia; BlueAnt Wireless, Inc., of Chicago, IL; Creative Technology Ltd., of Singapore ; Creative Labs, Inc., of Milpitas, CA; Beats Electronics, LLC, of Culver City, CA; Beats Electronics International Ltd., of Dublin, Ireland; Jawbone, Inc., of

San Francisco, CA; GN Netcom A/S d/b/a Jabra, of Denmark. The Office of Unfair Import Investigations is also a party in this Investigation. *Id.*

The target date for this Investigation shall be Friday, May 13, 2016, which is sixteen months from the date 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 Wednesday, January 13, 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 **March 02, 2015 at 10:00 AM ET**. The conference will be held telephonically. Complainant 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, which in this instance would be by the close of business on **Wednesday, February 25, 2015**.

Procedural Schedule

I hereby order that the Procedural Schedule attached hereto as Appendix A is now in effect. A technology tutorial will commence at 9:00 AM ET on Tuesday, May 26, 2015. The tutorial shall be immediately followed by a *Markman* hearing, which shall conclude no later than 4:40 PM ET on Wednesday, May 27, 2015. The pre-hearing conference in this Investigation shall commence at 9:00 AM ET on Friday, October 09, 2015, and shall conclude no later than 11:45 AM that day. The Hearing in this Investigation shall commence at 9:00 AM ET on Tuesday, October 13, 2015, and shall conclude no later than 4:40 PM ET on Monday, October 19, 2015.

The parties shall meet and confer to jointly propose deadlines for those events in the Procedural Schedule where no deadline is indicated. The parties may also propose modifications to the listed deadlines. 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", written over a horizontal line.

Thomas B. Pender
Administrative Law Judge

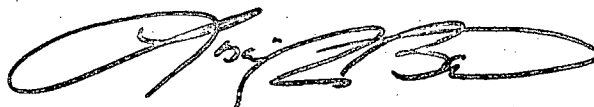
APPENDIX A

PROCEDURAL SCHEDULE, CASE NO. 337-TA-943	
Event	Date
Deadline for Propounding Ground Rule 6.2 Interrogatories	Friday, February 20, 2015
Initial Case Management Conference	Monday, March 02, 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	Monday, March 16, 2015
Exchange list of claim terms for construction	
Exchange proposed claim constructions	
File joint claim construction chart	
Deadline for Ground Rule 7.2 Disclosure of Products	Monday, April 06, 2015
Deadline for Ground Rule 7.3 Disclosure of Domestic Industry Contentions	Monday, April 06, 2015
First settlement conference	
Submit first settlement conference joint report	
File initial claim construction briefs	Tuesday, April 28, 2015
File reply claim construction briefs	Tuesday, May 12, 2015
Technical Tutorial	Tuesday, May 26, 2015
Markman Hearing	Tuesday, May 26, 2015 through Wednesday, May 27, 2015
Deadline for Ground Rule 7.5 Disclosure of Invalidity Contentions	Monday, June 01, 2015
Deadline for Ground Rule 7.4 Disclosure of Infringement Contentions	Monday, June 01, 2015
Issue Order Construing Terms (*tentative date*)	Friday, July 03, 2015
Fact discovery cutoff and completion	Friday, July 03, 2015
Second settlement conference	
Submit second settlement conference joint report	
Serve initial expert reports	Friday, July 17, 2015
Serve rebuttal expert reports	Friday, July 31, 2015
Deadline for filing summary determination motions	Monday, August 10, 2015
Expert discovery cutoff and completion	Friday, August 14, 2015
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, September 11, 2015
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, September 11, 2015
Deadline for filing motions in limine	
File objections to proposed rebuttal exhibits (including witness statements)	
File responses to objections to proposed rebuttal exhibits (including witness statements)	
File responses to motions in limine	Friday, September 25, 2015
Pre-hearing conference	Friday, October 09, 2015
Hearing	Tuesday, October 13, 2015 through Monday, October 19, 2015
File initial post-hearing briefs and final exhibit lists	Monday, November 02, 2015
Submit final direct and rebuttal exhibits (including witness statements) with direct and rebuttal physical and demonstrative exhibits	Monday, November 02, 2015
File reply post-hearing briefs	Monday, November 16, 2015
Initial Determination Due	Wednesday, January 13, 2016
Target date for completion of investigation	Friday, May 13, 2016

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **PUBLIC ORDER NO. 05** has been served upon the **Commission Investigative Attorney, Vu Bui, Esq.**, and the following parties as indicated on February 10 2015.



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