

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN NON-VOLATILE MEMORY
DEVICES AND PRODUCTS CONTAINING
SAME

Inv. No. 337-TA-1046

ORDER NO. 8: PROCEDURAL SCHEDULE

(May 11, 2017)

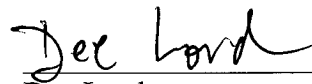
Pursuant to Order No. 5 (Apr. 24, 2017), the parties submitted a proposed procedural schedule, and a teleconference was held on Wednesday, May 10, 2017, where certain dates in the schedule were modified. The investigation shall proceed in accordance with the procedural schedule set forth below:

EVENT	DEADLINE
First settlement conference	May 26, 2017
Submission of first settlement conference joint report	June 5, 2017
File identification of expert witnesses, including their expertise and curriculum vitae	June 12, 2017
File tentative list of witnesses a party will call to testify at the hearing	July 17, 2017
Attendance at one-day mediation session	No later than August 25, 2017
Submission of joint report on mediation	No later than September 1, 2017
File notice of prior art	August 25, 2017
Exchange Proposed Claim Constructions	September 4, 2017
Initial <i>Markman</i> Briefs – Complainant(s) and Respondent(s)	September 13, 2017

EVENT	DEADLINE
Initial <i>Markman</i> Briefs – Staff	September 20, 2017
Rebuttal <i>Markman</i> Briefs	September 27, 2017
Markman Hearing Technology Tutorial (optional)	October 4, 2017
Fact discovery cutoff and completion	October 11, 2017
Exchange of initial expert reports (identify tests/surveys/data)	October 19, 2017
Deadline for motions to compel discovery	October 20, 2017
Exchange of rebuttal expert reports	November 2, 2017
Second settlement conference	No later than November 3, 2017
Submission of second settlement conference joint report	No later than November 10, 2017
Expert discovery cutoff and completion	November 21, 2017
Exchange of exhibit lists among the parties	November 21, 2017
Deadline for filing summary determination motions	November 22, 2017
Exchange proposed direct exhibits (including witness statements), with physical and demonstrative exhibits available – Complainant(s) and Respondent(s)	December 1, 2017
File request for receipt of evidence without a sponsoring witness	December 1, 2017
Exchange proposed direct exhibits (including witness statements), with physical and demonstrative exhibits available – Staff	December 8, 2017
Exchange proposed rebuttal exhibits (including witness statements), with rebuttal physical and demonstrative exhibits available – all parties	December 15, 2017
Submit proposed exhibits to Administrative Law Judge – all parties	December 20, 2017
File pre-trial statements and briefs – Complainant(s) and Respondent(s)	December 22, 2017
Deadline for motions <i>in limine</i>	December 28, 2017
File high priority objections statement	December 28, 2017
File pre-trial statement and brief – Staff	January 5, 2018
File responses to motions <i>in limine</i>	January 8, 2018

EVENT	DEADLINE
File responses to high priority objections statement	January 8, 2018
Supplemental tutorial on technology (if necessary)	January 19, 2018
Pre-Hearing Conference	January 22, 2018
Hearing	January 22-26, 2018
File initial post-hearing briefs and final exhibit lists	February 9, 2018
File reply post-hearing briefs	February 20, 2018 ¹
Initial Determination due	April 10, 2018
Target date for completion of investigation	August 10, 2018

SO ORDERED.

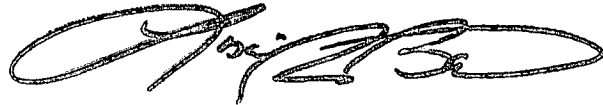


Dee Lord
Administrative Law Judge

¹ During the teleconference, this deadline was set for February 19, 2018, but that date is a Federal holiday (President's Day).

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served by hand upon the Commission Investigative Attorney, **Vu Bui, Esq.**, and the following parties as indicated, on 5/11/2017



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

**On Behalf of Complainants Macronix International
Co., Ltd. and Macronix America, Inc.:**

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- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: _____

**On Behalf of Respondents Toshiba Corporation, Toshiba
America, Inc., Toshiba America Electronic Components,
Inc., Toshiba America Information Systems, Inc. and
Toshiba Information Equipment (Phillipians), Inc.:**

Aaron Wainscoat, Esq.
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