

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN LIP BALM PRODUCTS,
CONTAINERS FOR LIP BALM, AND
COMPONENTS THEREOF

Inv. No. 337-TA-961

ORDER No. 8: SETTING PROCEDURAL SCHEDULE

(August 26, 2015)

In accordance with the parties' proposed procedural schedule submitted in response to Order No. 3 and with the Case Management Conference held on August 10, 2015 (*see* Case Management Conference Transcript, EDIS Document No. 563609), I hereby adopt the Procedural Schedule set forth in Appendix A as the procedural schedule in this Investigation.

SO ORDERED.



Thomas B. Pender
Administrative Law Judge

APPENDIX A

| PROCEDURAL SCHEDULE, CASE NO. 337-TA-961 | |
|---|---|
| Event | Date |
| Deadline for Propounding Ground Rule 6.2 Interrogatories | Friday, August 14, 2015 |
| Deadline for Ground Rule 7.1 Disclosure of Priority Dates and Dates of Conception/Reduction to Practice | Friday, September 4, 2015 |
| Exchange list of claim terms for construction | Friday, September 11, 2015 |
| Exchange proposed claim constructions | Friday, September 18, 2015 |
| File identification of expert witnesses, including their expertise and curriculum vitae | Friday, September 18, 2015 |
| File joint claim construction chart | Friday, September 25, 2015 |
| First settlement conference | By Wednesday, September 30, 2015 |
| Deadline for Ground Rule 7.2 Disclosure of Products | Friday, October 2, 2015 |
| Submit first settlement conference joint report | By Wednesday, October 7, 2015 |
| Deadline for Ground Rule 7.3 Disclosure of Domestic Industry Contentions | Friday, October 9, 2015 |
| File initial claim construction briefs | Friday, October 16, 2015 |
| File reply claim construction briefs | Friday, October 30, 2015 |
| Technology Tutorial | Monday, November 9, 2015 |
| Markman Hearing | Monday, November 9, 2015 through Tuesday, November 10, 2015 |
| Deadline for Ground Rule 7.4 Disclosure of Infringement Contentions | Friday, December 4, 2015 |
| Deadline for Ground Rule 7.5 Disclosure of Invalidity Contentions | Friday, December 4, 2015 |
| Second settlement conference | By Wednesday, December 9, 2015 |
| Issue Order Construing Terms (*tentative date*) | Friday, December 11, 2015 |

PROCEDURAL SCHEDULE, CASE NO. 337-TA-961

| Event | Date |
|---|---------------------------------|
| Fact discovery cutoff and completion | Friday, December 18, 2015 |
| Submit second settlement conference joint report | By Wednesday, December 16, 2015 |
| Serve initial expert reports | Tuesday, December 22, 2015 |
| Deadline for filing summary determination motions | Friday, January 15, 2016 |
| Serve rebuttal expert reports | Friday, January 15, 2016 |
| Third settlement conference | By Friday, January 22, 2016 |
| Expert discovery cutoff and completion | Wednesday, January 27, 2016 |
| Submit third settlement conference joint report | By Friday, January 29, 2016 |
| Serve proposed exhibit lists | Friday, February 5, 2016 |
| Serve proposed direct exhibits (including witness statements), with available proposed physical and demonstrative exhibits | Friday, February 5, 2016 |
| Serve proposed rebuttal exhibits (including witness statements), with available proposed rebuttal physical and demonstrative exhibits | Wednesday, February 17, 2016 |
| File pre-hearing statements and briefs (Private Parties) | Friday, February 19, 2016 |
| 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, February 19, 2016 |
| File requests for receipt of evidence without a witness | Friday, February 26, 2016 |
| File pre-hearing statement and brief (Staff) | Friday, February 26, 2016 |
| Deadline for filing motions <i>in limine</i> | Friday, February 26, 2016 |
| File responses to motions <i>in limine</i> (Private Parties) | Friday, March 4, 2016 |
| File responses to motions <i>in limine</i> (Staff) | Wednesday, March 9, 2016 |
| Pre-hearing conference | Friday, March 18, 2016 |

PROCEDURAL SCHEDULE, CASE NO. 337-TA-961

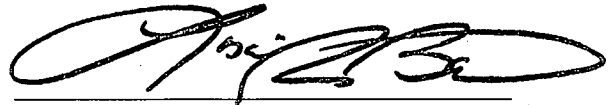
| Event | Date |
|---|---|
| Hearing | Monday, March 21, 2016 through Friday, March 25, 2016 |
| File initial post-hearing briefs and final exhibit lists | Friday, April 8, 2016 |
| Submit final direct and rebuttal exhibits (including witness statements) with direct and rebuttal physical and demonstrative exhibits | Friday, April 8, 2016 |
| File reply post-hearing briefs (Private Parties) | Friday, April 22, 2016 |
| File reply post-hearing brief (Staff) | Wednesday, April 27, 2016 |
| Initial Determination Due | Friday, July 8, 2016 |
| Target date for completion of investigation | Friday, November 11, 2016 |

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337-TA-961

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **PUBLIC ORDER NO. 08** has been served upon the **Commission Investigative Attorney, Peter Sawert, Esq.**, and the following parties as indicated on AUGUST 27, 2015.



Lisa R. Barton, Secretary
U.S. International Trade Commission
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Washington, DC 20436

FOR COMPLAINANTS EOS PRODUCTS, LLC & THE KIND GROUP LLC:

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FOR RESPONDENTS ORALABS, INC., CVS HEALTH CORPORATION, CVS PHARMACY, INC., WALGREENS BOOTS ALLIANCE, INC., WALGREEN CO., WUXI SUNMART SCIENCE AND TECHNOLOGY CO., WUXI SUNMART PLASTIC CO., LTD., & FIVE BELOW INC.

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