

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN COURSE MANAGEMENT
SYSTEMS SOFTWARE PRODUCTS**

Inv. No. 337-TA-677

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

(July 20, 2009)

The notice of investigation was published on June 9, 2009. (74 Fed. Reg. 27345).

Having considered the position of the parties in their discovery statements and taking into account the ALJ's commitments in other already instituted investigations, he is setting a sixteen month target date, *i.e.*, October 12, 2010.^{1, 2} Hence, any final initial determination should be filed no later than June 9, 2010.

Proposed procedural schedule(s) should be received by the ALJ no later than close of business on Monday, July 27, 2009. Said proposed procedural schedule should include dates for each of the events set forth in Ground Rule 2. Based on the target date for this investigation, and taking into consideration the ALJ's scheduling of other cases, the ALJ anticipates the pre-hearing conference and tutorial, if necessary, to start at 10:00 AM on Friday, February 19, 2010, in Hearing Room A, with the hearing to commence at 9:00 AM on Monday, February 22. The

¹ October 9, 2010 falls on Saturday and Monday, October 11, 2010 is a Federal holiday (Columbus Day).

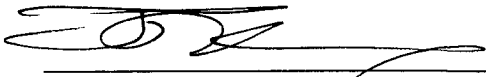
² The target date and hearing dates for this investigation are merely tentative because there is currently a pending motion to stay the investigation in light of a reexamination proceeding at the U.S. Patent and Trademark Office, and an appellate proceeding before the Court of Appeals for the Federal Circuit. Should the ALJ grant the motion, the hearing dates will likely have to be changed and the target date extended. Nevertheless, pursuant to Commission Rule 210.51(a), the ALJ is required to set a target date for completion the investigation "[w]ithin 45 days after institution of the investigation." 19 C.F.R. § 210.51(a).

hearing shall conclude no later than Friday, February 26, 2009. The parties shall take these dates into consideration when proposing their procedural schedule.

The proposed schedule should include dates for three settlement meetings 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 ALJ, for good cause shown, the settlement meetings should **not** occur by video-conferencing or by teleconferencing. The first one of these dates should be relatively early in the investigation; the second should be approximately midway through the period for discovery; while the last should be set for the period between the close of discovery and before the commencement of the hearing. The parties should also include dates in the proposed schedule for filing the joint settlement conference reports.

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.



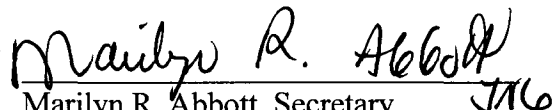
Theodore R. Essex
Administrative Law Judge

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CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER 4** has been served by hand upon, the Commission Investigative Attorney, **Mareesa A. Frederick, Esq.** and the following parties as indicated on **July 20, 2009.**


Marilyn R. Abbott, Secretary *me*
U.S. International Trade Commission
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CERTIFICATE OF SERVICE - PAGE 2

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