

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN MLC FLASH MEMORY
DEVICES AND PRODUCTS
CONTAINING SAME**

Inv. No. 337-TA-683

ORDER NO. 7: SETTING PROCEDURAL SCHEDULES

(October 15, 2009)

On October 14, the parties submitted proposed procedural schedule pursuant to Order No. 5. The parties were not, however, able to come to an agreement as to the dates for the exchange of claim construction, the date for filing their notice of prior art and the dates for the exchange of expert reports.

The ALJ has taken the parties arguments into consideration and sets the procedural schedule as set forth in Attachment A.

SO ORDERED.



Theodore R. Essex
Administrative Law Judge

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ATTACHMENT A

EVENT	DATE
First settlement conference	October 29, 2009
Submission of first settlement conference joint report	November 2, 2009
File identification of expert witnesses, including their expertise and curriculum vitae	December 2, 2009
Identification of claim terms to be construed by Complainant and Respondents	December 2, 2009
File notice of prior art	December 3, 2009
File tentative list of witnesses a party will call to testify at the hearing, with an identification of each witness' relationship to the party	December 3, 2009
Exchange of intrinsic and extrinsic evidence	December 14, 2009
Cut-off date for responses to contention interrogatories	December 15, 2009
Exchange of proposed claim constructions by Complainant and Respondents	December 28, 2009
Prepare joint claim construction statement as a result of meet and confer	January 4, 2010
Second settlement conference	January 8, 2010
Submission of second settlement conference joint report	January 11, 2010
Fact discovery cutoff and completion	January 15, 2010
Deadline for filing summary determination motions	January 19, 2010
Deadline for motions to compel discovery	January 22, 2010
Exchange of initial expert reports (identify tests/surveys/data)	January 22, 2010
Exchange of rebuttal expert reports	February 1, 2010
Expert discovery cutoff and completion	February 11, 2010
Exchange of exhibit lists among the parties	February 18, 2010
Submit and serve direct exhibits (including witness statements), with physical and demonstrative exhibits available --Complainant and Respondents	February 25, 2010
Third settlement conference	February 26, 2010
File objections to direct exhibits (including witness statements)	Monday, March 1, 2010

Submission of third settlement conference joint report	March 2, 2010
File responses to objections to direct exhibits (including witness statements)	March 3, 2010
Submit and serve direct exhibits (including witness statements), with physical and demonstrative exhibits available --Staff	March 4, 2010
File Pre-hearing statements and briefs -- Complainant and Respondents	March 5, 2010
Submit and serve rebuttal exhibits (including witness statements), with rebuttal physical and demonstrative exhibits available - all parties	March 5, 2010
Deadline for motions in limine	March 5, 2010
File high priority objections statement	March 5, 2010
File requests for receipt of evidence without a Witness	March 8, 2010
File objections to rebuttal exhibits (including witness statements)	March 9, 2010
File response to objections to rebuttal exhibits (including witness statements)	March 11, 2010
File responses to high priority objections statement	March 11, 2010
File responses to motions in limine	March 11, 2010
File Pre-hearing statement and brief - Staff	March 17, 2010
Submission of declarations justifying confidentiality of exhibits	March 17, 2010
Pre-hearing conference / Tutorial on technology (if necessary)	March 18, 2010
Hearing	March 22 - March 30, 2010
File initial post-hearing briefs, proposed findings of fact and conclusions of law, and final exhibit lists	April 16, 2010
File reply post-hearing briefs, objections and rebuttals to proposed findings of fact	April 28, 2010

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PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER** has been served by hand upon, the Commission Investigative Attorney, **Stephen R. Smith, Esq.** and the following parties as indicated on October 15, 2009.



Marilyn R. Abbott, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112A
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CERTIFICATE OF SERVICE - PAGE 2

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CERTIFICATE OF SERVICE - PAGE 3

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