

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN FLASH MEMORY CHIPS AND  
PRODUCTS CONTAINING THE SAME

Inv. No. 337-TA-664

ORDER NO. 18: SETTING THE AMENDED PROCEDURAL SCHEDULE

(November 5, 2009)

On November 2, 2009, the private parties filed a joint motion (664-019) to amend the procedural schedule. According to the parties, good cause exists for the amendment because the undersigned recently ordered the hearing in this Investigation moved from April 19-30, 2010 to May 3-14, 2010. (See Order No. 17, issued Oct. 16, 2009.) Based on a review of the parties' joint proposed procedural schedule, the following amended procedural schedule is hereby adopted:

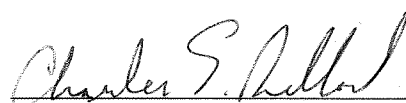
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Event	Deadline Date
Submission of <i>Markman</i> joint proposed claim construction chart	November 6, 2009
Tutorial	November 9, 2009 at 10:00 a.m. in Courtroom B
<i>Markman</i> hearing	November 10, 2009 at 9:00 a.m. in Courtroom B
Submission of updated <i>Markman</i> joint proposed claim construction chart	November 20, 2009
Second settlement conference	By December 1, 2009
Submission of second settlement conference joint report	December 7, 2009
File identification of expert witnesses, including their expertise and curriculum vitae	December 18, 2009
File notice of prior art	December 18, 2009

Event	Deadline Date
Exchange of initial expert reports (identify tests/surveys/data) on issues on which party bears burden and based on the claim constructions that the parties proposed in the updated <i>Markman</i> joint proposed claim construction chart	January 13, 2010
File tentative list of witnesses a party will call to testify at the hearing, with an identification of each witness' relationship to the Party	January 20, 2010
Fact discovery cutoff and completion	January 27, 2010
Proposed issuance of claim construction order	February 11, 2010
Exchange of rebuttal expert reports based on the claim constructions that the parties proposed in the updated <i>Markman</i> joint proposed claim construction chart	February 12, 2010
Deadline to supplement expert reports based on claim construction order	7 days after claim construction order issues
Expert discovery cutoff and completion	19 days after claim construction order issues
Deadline for motions to compel discovery	19 days after claim construction order issues
Deadline for filing summary determination motions	March 3, 2010
Exchange of exhibit lists among the private parties	March 19, 2010
Third settlement conference	By March 19, 2010
Submit and serve direct exhibits (including witness statements) with physical and demonstrative exhibits available – Complainant(s) and Respondent(s)	March 26, 2010
Submit and serve direct exhibits (including witness statements) with physical and demonstrative exhibits available – Staff	March 31, 2010
File pre-trial statements and briefs – Complainant(s) and Respondent(s)	April 2, 2010
Submission of third settlement conference joint report	April 2, 2010
File requests for receipt of evidence without a witness	April 7, 2010
Submit and serve rebuttal exhibits (including witness statements) with physical and demonstrative exhibits available – all parties	April 7, 2010

Event	Deadline Date
File objections to direct exhibits (including witness statements)	April 12, 2010
File objections to rebuttal exhibits (including witness statements)	April 16, 2010
File responses to objections to direct exhibits (including witness statements)	April 19, 2010
File high priority objections statement	April 19, 2010
Deadline for motions <i>in limine</i>	April 19, 2010
File pre-trial statement and brief – Staff	April 20, 2010
File responses to objections to rebuttal exhibits (including witness statements)	April 23, 2010
File responses to high priority objections statement	April 26, 2010
File responses to motions <i>in limine</i>	April 26, 2010
Pre-trial conference <sup>1</sup>	May 3, 2010 at 10:00 a.m. in Courtroom B
Trial	May 3, 2010 - May 14, 2010 in Courtroom B
File initial post-trial briefs, proposed findings of fact and conclusions of law, and final exhibit lists	May 28, 2010
File reply post-trial briefs, objections and rebuttals to proposed findings of fact	June 16, 2010
Initial Determination due	September 18, 2010
Target date for completion of investigation	January 18, 2011

**SO ORDERED.**



Charles E. Bullock  
Administrative Law Judge

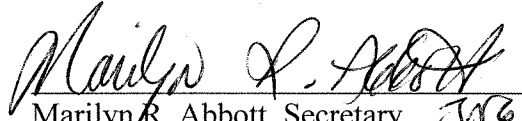
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<sup>1</sup> The undersigned encourages the parties to meet and confer prior to the pre-trial conference in an attempt to resolve any outstanding motions and/or high priority objections.

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CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER NO. 18** has been served upon, **Bryan F. Moore, Esq.**, Commission Investigative Attorney, and the following parties via first class mail and air mail where necessary on November 5, **2009**.

  
Marilyn R. Abbott, Secretary *JWA*  
U.S. International Trade Commission  
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PRODUCTS CONTAINING SAME**

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PRODUCTS CONTAINING SAME**

**337-TA-664**

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