

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN HYBRID ELECTRIC
VEHICLES AND COMPONENTS
THEREOF**

Inv. No. 337-TA-688

**ORDER NO. 3: SETTING TARGET DATE AND DATE FOR SUBMISSION OF
PROPOSED PROCEDURAL SCHEDULES**

(November 9, 2009)

The notice of investigation was published on October 9, 2009. (74 Fed. Reg. 52258). Complainant Paice LLC (“Paice”) proposed a ten (10) month target date since the issues of infringement, validity, enforceability, and domestic industry will likely be decided on summary determination and only the issues of remedy, bonding and public interest remain. Respondents Toyota Motor Corporation, Toyota Motor North America, Inc. and Toyota Motor Sales U.S.A., Inc. (collectively “Toyota”) proposed a fifteen (15) month target date because it anticipates that the domestic industry and public policy issues in this investigation are novel and far-reaching in scope and discovery issues relating to those topics will likely be focused on third-party discovery, which will be time consuming and inefficient. The Commission Investigative Staff (“Staff”) proposes a thirteen (13) month target date based on the limited issues in this investigation and on the ALJ’s responsibilities in other investigations.

Having considered the position of the parties in their discovery statements, including the limited issues in this investigation, and taking into account the ALJ’s commitments in other already instituted investigations, he is setting a target date of approximately thirteen months, *i.e.*,

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November 9, 2010. Hence, any final initial determination should be filed no later than July 9, 2010.


Proposed procedural schedule(s) should be received by the ALJ no later than close of business on Tuesday, November 19, 2009. Said proposed procedural schedule should include, at a minimum, 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 and courtroom availability, the ALJ anticipates the pre-hearing conference and tutorial, if necessary, to start at 10:00 AM on Thursday, April 15, 2010, in Hearing Room B, with the hearing to commence at 9:00 AM on Monday, April 19. The hearing shall conclude no later than Friday, April 23, 2010. 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. During the settlement conference, the parties shall also consider and discuss aspects of the case, if any, that they believe may be appropriate and/or ripe for mediation. Any such issues should be included in each settlement conference report and, based

on the information provided therein, the parties may be contacted by the Commission for participation in its mediation program.

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.

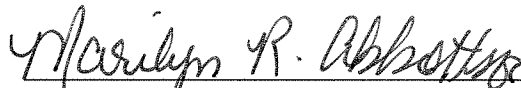
SO ORDERED.

A handwritten signature in black ink, appearing to read 'Theodore R. Essex', written over a horizontal line.

Theodore R. Essex
Administrative Law Judge

PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached has been served by hand upon the Commission Investigative Attorney, **Erin D.E. Joffre, Esq.**, and the following parties as indicated, on **November 10, 2009**.



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