

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

**In the Matter of**

**CERTAIN ELECTRONIC DEVICES WITH  
IMAGE PROCESSING SYSTEMS,  
COMPONENTS THEREOF, AND ASSOCIATED  
SOFTWARE**

**Inv. No. 337-TA-724**

**ORDER NO. 3:      SETTING PROCEDURAL SCHEDULE**

(August 9, 2010)

The parties were asked to submit

a proposed procedural schedule that includes dates for each of the events set forth in Ground Rule 1.14. If the parties wish to deviate from the attached sample schedule, they should explain their rationale for the proposed changes in their submission.

(Order No. 2 at 2.) Rather than jointly submit a proposed procedural schedule, the Administrative Law Judge received a submission from the Commission Investigative Staff (“Staff”) purporting to be the schedule “agreed upon by all parties” and a separate submission from the private parties that suggests that the Staff was not fully consulted. The dates in the two proposed schedules do not match, and it is further noted that the parties deviated from the sample schedule attached to Order No. 2 without providing the required explanation of their reasoning. As noted in Ground Rule 12, good faith communications between all the parties is essential and is expected.

To the extent possible, the Administrative Law Judge has accommodated the parties’ preferences (where these were in accord); however, it should be noted that the procedural schedule is fast-paced and designed to have the parties formulate, disclose, and solidify their positions with

respect to invalidity and claim construction early in the Investigation. Therefore, certain adjustments were necessary. The Investigation will be controlled by the procedural schedule appended hereto as Attachment A.

**SO ORDERED.**

  
E. James Gildea  
Administrative Law Judge

**ATTACHMENT A**

**FORM OF PROCEDURAL SCHEDULE & DATES**

<b>Parties exchange list of patent claim terms for construction</b>	<b>August 25, 2010</b>
<b>First settlement conference</b>	<b>August 31, 2010</b>
<b>Deadline for proposals requesting a Markman hearing</b>	<b>September 1, 2010</b>
<b>Submission of first settlement conference joint report</b>	<b>September 9, 2010</b>
<b>File identification of expert witnesses, including their expertise and curriculum vitae</b>	<b>September 9, 2010</b>
<b>File notice of prior art</b>	<b>September 14, 2010</b>
<b>Complainant(s) and Respondent(s) provide Staff with their proposed construction of the disputed claim terms</b>	<b>September 23, 2010</b>
<b>Deadline for parties to meet and confer (including Staff) in an attempt to reconcile or otherwise limit disputed claim terms</b>	<b>September 29, 2010</b>
<b>Parties submit a joint list showing each party's proposed construction of the disputed claim terms</b>	<b>October 6, 2010</b>
<b>Second settlement conference<sup>1</sup></b>	<b>October 13, 2010</b>
<b>Submission of second settlement conference joint report</b>	<b>October 20, 2010</b>
<b>File tentative list of witnesses a party will call to testify at the hearing, with an identification of each witness' relationship to the party</b>	<b>November 1, 2010</b>
<b>Deadline for contention interrogatory responses</b>	<b>November 9, 2010</b>
<b>Fact discovery cutoff and completion</b>	<b>November 23, 2010</b>
<b>Exchange of initial expert reports (identify tests/surveys/data)</b>	<b>December 3, 2010</b>
<b>Exchange of rebuttal expert reports</b>	<b>December 22, 2010</b>

<sup>1</sup> The second settlement conference should be "approximately midway" through the period for discovery. (Order No. 2 at 3.)

<b>Expert discovery cutoff and completion</b>	<b>January 14, 2010</b>
<b>Deadline for motions to compel discovery</b>	<b>January 18, 2010</b>
<b>Deadline for filing summary determination motions</b>	<b>January 20, 2011</b>
<b>Third settlement conference</b>	<b>January 26, 2011</b>
<b>Submission of third settlement conference joint report</b>	<b>February 2, 2011</b>
<b>Submission of statements regarding the use of witness statements in lieu of live direct testimony, and statements regarding whether any party intends to offer expert reports into evidence</b>	<b>February 9, 2011</b>
<b>Exchange of exhibit lists among the parties</b>	<b>February 18, 2011</b>
<b>Submit and serve direct exhibits (including witness statements), with physical and demonstrative exhibits available -- Complainant(s) and Respondent(s)</b>	<b>February 23, 2011</b>
<b>Submit and serve direct exhibits (including witness statements), with physical and demonstrative exhibits available -- Staff</b>	<b>February 25, 2011</b>
<b>File objections to direct exhibits (including witness statements)</b>	<b>March 1, 2011</b>
<b>Deadline for motions <i>in limine</i></b>	<b>March 1, 2011</b>
<b>File Pre-hearing statements and briefs -- Complainant(s) and Respondent(s)</b>	<b>March 8, 2011</b>
<b>File responses to objections to direct exhibits (including witness statements)</b>	<b>March 8, 2011</b>
<b>Submit and serve rebuttal exhibits (including witness statements), with rebuttal physical and demonstrative exhibits available -- all parties</b>	<b>March 8, 2011</b>
<b>File Pre-hearing statement and brief -- Staff</b>	<b>March 11, 2011</b>
<b>File objections to rebuttal exhibits (including witness statements)</b>	<b>March 11, 2011</b>
<b>File statement of high priority objections</b>	<b>March 11, 2011</b>

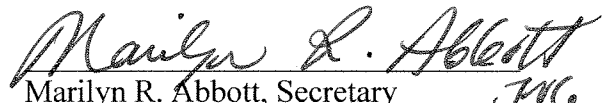
<b>File requests for receipt of evidence without a witness</b>	<b>March 15, 2011</b>
<b>Submission of declarations justifying confidentiality of exhibits</b>	<b>March 16, 2011</b>
<b>File responses to motions <i>in limine</i></b>	<b>March 16, 2011</b>
<b>File response to objections to rebuttal exhibits (including witness statements)</b>	<b>March 18, 2011</b>
<b>File responses to statement of high priority objections</b>	<b>March 18, 2011</b>
<b>Tutorial on technology</b>	<b>9:00 a.m., March 29, 2011, Hearing Room B</b>
<b>Pre-hearing conference</b>	<b>March 29, 2011, Hearing Room B (following tutorials)</b>
<b>Hearing</b>	<b>March 29-April 7, 2011, Hearing Room B</b>
<b>File initial post-hearing briefs, proposed findings of fact and conclusions of law, and final exhibit lists</b>	<b>April 19, 2011</b>
<b>File reply post-hearing briefs, objections and rebuttals to proposed findings of fact</b>	<b>April 29, 2011</b>
<b>Final ID due</b>	<b>July 1, 2011</b>
<b>Target Date</b>	<b>November 1, 2011</b>

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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, **Kecia J. Reynolds, Esq.**, and the following parties as indicated on August 9, 2010.

  
Marilyn R. Abbott, Secretary *JMC*  
U.S. International Trade Commission  
500 E Street, SW, Room 112A  
Washington, D.C. 20436

**FOR COMPLAINANTS S3 GRAPHICS CO., LTD., AND S3 GRAPHICS, INC.:**

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