

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN PRODUCTS CONTAINING
INTERACTIVE PROGRAM GUIDE AND
PARENTAL CONTROL TECHNOLOGY**

Inv. No. 337-TA-820

ORDER NO. 5: SETTING PROCEDURAL SCHEDULE

(January 24, 2012)

On December 16, 2011, the Commission voted to institute this Investigation, and on December 21, 2011, the Notice of Investigation was published in the Federal Register. 76 Fed. Reg. 79,214-15 (Dec. 21, 2011). The undersigned set a nineteen-month target date of July 22, 2013 for completion of this Investigation by the Commission in Order No. 4, issued January 10, 2012. Order No. 4 also requested proposed procedural schedules by the close of business on January 18, 2012.

Based on a review of the joint proposed procedural schedule, the undersigned hereby adopts the following procedural schedule:

EVENT	DEADLINE DATE
Exchange of proposed claim terms and non-binding constructions in preparation for meet and confer	February 13, 2012
Initial meet and confer to discuss and limit number of disputed claim terms	February 14, 2012
Exchange of initial expert reports on claim construction issues	February 22, 2012
First settlement conference	February 29, 2012
Exchange of rebuttal expert reports on claim construction issues	March 5, 2012

EVENT	DEADLINE DATE
Submission of first settlement conference joint report	March 9, 2012
Additional meet and confer to discuss and limit number of disputed claim terms	By March 9, 2012
Initial <i>Markman</i> briefs	March 16, 2012
Rebuttal <i>Markman</i> briefs	March 28, 2012
Submission of joint proposed claim construction chart	April 2, 2012
Tutorial ¹	April 4, 2012
<i>Markman</i> hearing ²	April 5, 2012
Submission of updated joint proposed claim construction chart	April 13, 2012
Proposed issuance of claim construction order ³	June 6, 2012
File identification of expert witnesses, including their expertise and curriculum vitae	June 8, 2012
File notice of prior art	July 6, 2012
File tentative list of witnesses a party will call to testify at the hearing, with an identification of each witness' relationship to the party	July 11, 2012
Fact discovery cut-off and completion	August 17, 2012
Attendance at mandatory one-day mediation session ⁴	By August 22, 2012
Deadline for motions to compel discovery	August 24, 2012
Exchange of initial expert reports (identify tests/survey/data)	August 24, 2012

¹ Each side's tutorial shall not exceed 1 hour. The tutorial is limited to a general overview of the technology and shall not include any discussion of the asserted patents or the accused products.

² The parties will be informed of the location of the hearing at a later date.


³ The undersigned will make every attempt to issue the claim construction order by this date. In this regard, the parties are encouraged to limit the number of claim terms for construction.

⁴ It appears from the Joint Submission for Proposed Procedural Schedule that the parties would like to "opt out" of the mediation session. This is not an option.

EVENT	DEADLINE DATE
Deadline for final contention interrogatories responses	August 24, 2012
Submission of joint report on mediation	August 29, 2012
Exchange of rebuttal expert reports	September 5, 2012
Deadline for filing summary determination motions	September 7, 2012
Expert discovery cut-off and completion	October 3, 2012
Exchange of exhibit lists among the parties	October 5, 2012
Submit and serve direct exhibits (including witness statements), with physical and demonstrative exhibits available	October 12, 2012
File pre-trial statements and briefs	October 17, 2012
File requests for receipt of evidence without a witness	October 19, 2012
File objections to direct exhibits (including witness statements)	October 19, 2012
Submit and serve rebuttal exhibits (including witness statements), with rebuttal physical and demonstrative exhibits available	October 23, 2012
Deadline for motions <i>in limine</i>	October 26, 2012
File responses to objections to direct exhibits (including witness statements)	October 26, 2012
File high priority objections statement	October 26, 2012
File objections to rebuttal exhibits (including witness statements)	October 31, 2012
File responses to motions <i>in limine</i>	November 1, 2012
File responses to high priority objections statements	November 1, 2012
File responses to objections to rebuttal exhibits (including witness statements)	November 2, 2012

EVENT	DEADLINE DATE
Third settlement conference	By November 2, 2012
Submission of third settlement conference joint report	November 7, 2012
Pre-trial conference ⁵	November 8, 2012 at 9:00 a.m.
Hearing ^{6,7}	November 9 – 16, 2012
File initial post-trial briefs and final exhibit lists	November 30, 2012
File reply post-trial briefs	December 7, 2012
Initial Determination due	March 22, 2013
Target date for completion of Investigation	July 22, 2013

SO ORDERED.


 Charles E. Bullock
 Chief Administrative Law Judge

⁵ The parties are directed to meet and confer prior to the prehearing conference in an attempt to resolve any outstanding pre-trial motions, high priority objections, and any other contested issues concerning the trial.

⁶ The parties will be informed of the location of the hearing at a later date.

⁷ Court will be adjourned on November 12, 2012 in observance of Veterans Day.

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PROGRAM GUIDE AND PARENTAL CONTROLS
TECHNOLOGY**

337-TA-820

CERTIFICATE OF SERVICE

I, James R. Holbein, hereby certify that the attached **ORDER NO. 5** has been served on the following parties as indicated, on January 25 2012.



James R. Holbein, Secretary
U.S. International Trade Commission
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**ON BEHALF OF COMPLAINANTS ROVI
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