

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN SET-TOP BOXES, GATEWAYS,
BRIDGES, AND ADAPTERS AND
COMPONENTS THEREOF

Inv. No. 337-TA-915

**ORDER NO. 3: REGARDING TARGET DATE, CASE MANAGEMENT
CONFERENCE, AND PROCEDURAL SCHEDULE**

(May 29, 2014)

By publication of a notice in the Federal Register on Wednesday, May 21, 2014, the U.S.

International Trade Commission ordered that:

Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain set-top boxes, gateways, bridges, and adapters and components thereof by reason of infringement of one or more of claims 8, 10-11, 13, 23-24, and 26 of the '900 patent; claims 16 and 21 of the '951 patent; claims 1-12, 14-25, 27-29, 31-33, 35-49, 51-61, and 63 of the '855 patent; and claims 1-2, 4-5, 7-8, and 24 of the '598 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

79 F.R. 29204 (May 21, 2014).

The complainants are ViXS Systems, Inc. of Toronto, Canada, and ViXS USA, Inc. of Austin, Texas. (*Id.*) The named respondents are Entropic Communications, Inc. of San Diego, California; DirecTV, LLC of El Segundo, California; Wistron NeWeb Corp. of Hsinchu, Taiwan; and CyberTAN Technology, Inc. of Hsinchu, Taiwan. (*Id.*) The Office of Unfair Import Investigations is a party to this Investigation. (*Id.*)

The target date for this Investigation shall be September 21, 2015, which is sixteen months

from the date the Notice of Investigation was published in the Federal Register. Consequently, any final initial determination would be due by May 21, 2015. *See* 19 C.F.R. § 210.51(a); 19 C.F.R. § 210.42(a)(1)(i).

Initial Case Management Conference

Pursuant to Ground Rule 6, on **Thursday, June 26, 2014 at 10:00 AM ET**, I will hold the Initial Case Management Conference in this Investigation. The conference will be held telephonically. Complainant shall be responsible for setting up the teleconference number, ensuring a court reporter is present to transcribe the call, and filing the transcript of the teleconference on EDIS. As set forth in Ground Rule 6.3, each party shall submit a case management statement **two (2) business days** prior to the scheduled initial case management conference.

Procedural Schedule

I hereby order that the procedural schedule attached hereto as Appendix A is now in effect. The technology tutorial in this Investigation shall commence at 8:45 AM on Monday, September 8, 2014. The tutorial shall be followed by a *Markman* hearing, which will continue on Tuesday, September 9, 2014, if necessary. The pre-hearing conference in this Investigation shall commence at 8:45 AM on Friday, January 23, 2015, and shall conclude no later than 11:45 AM that day. The hearing in this Investigation shall commence at 8:45 AM on Monday, January 26, 2015, and shall conclude no later than 11:45 AM on Friday, January 30, 2015.

The parties shall meet and confer to jointly propose deadlines for those events in the procedural schedule where no deadline is indicated, including deadlines for the Commission Investigative Staff. The parties may propose modifications to the deadlines indicated in the attached procedural schedule. The parties shall submit their joint proposed modifications to the

procedural schedule at the same time the parties submit their initial case management statement.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Thomas B. Pender", written over a horizontal line.

Thomas B. Pender
Administrative Law Judge

APPENDIX A

Procedural Schedule, Investigation No. 337-TA-915	
Event	Date
Deadline for Propounding Ground Rule 6.2 Interrogatories	Wednesday, June 11, 2014
Initial Case Management Conference	Thursday, June 26, 2014
Deadline for Ground Rule 7.1 Disclosure of Priority Dates and Dates of Conception/Reduction to Practice	Wednesday, July 9, 2014
First settlement conference	
Submit first settlement conference joint report	
Exchange list of claim terms for construction	Monday, July 14, 2014
Exchange proposed claim constructions	Monday, July 28, 2014
File joint claim construction chart	Monday, August 4, 2014
Deadline for Ground Rule 7.2 Disclosure of Products	Wednesday, August 6, 2014
File identification of expert witnesses, including their expertise and curriculum vitae	
File initial claim construction briefs	Monday, August 11, 2014
Deadline for Ground Rule 7.3 Disclosure of Domestic Industry Contentions	Wednesday, August 13, 2014
File reply claim construction briefs	Monday, August 25, 2014
Technical Tutorial	Monday, September 8, 2014
<i>Markman</i> Hearing	Monday, September 8, 2014 – Tuesday, September 9, 2014
Deadline for Ground Rule 7.4 Disclosure of Infringement Contentions	Friday, October 3, 2014
Deadline for Ground Rule 7.5 Disclosure of Invalidity Contentions	Friday, October 3, 2014
Fact discovery cutoff and completion	Friday, October 17, 2014
Second settlement conference	

Procedural Schedule, Investigation No. 337-TA-915	
Event	Date
Submit second settlement conference joint report	
Serve initial expert reports	Wednesday, October 29, 2014
Serve rebuttal expert reports	Wednesday, November 12, 2014
Deadline for filing summary determination motions	Monday, November 24, 2014
Expert discovery cutoff and completion	Wednesday, November 26, 2014
File requests for receipt of evidence without a witness	
Serve proposed exhibit lists	
Serve direct exhibits (including witness statements), with available physical and demonstrative exhibits	
File objections to direct exhibits (including witness statements)	
File responses to objections to direct exhibits (including witness statements)	
Serve rebuttal exhibits (including witness statements), with available rebuttal physical and demonstrative exhibits	
File pre-hearing statements and briefs (Private Parties)	Wednesday, December 23, 2014
Submit on electronic media direct and rebuttal exhibits (including witness statements) with available direct and rebuttal physical and demonstrative exhibits	
Deadline for filing motions <i>in limine</i>	
File objections to rebuttal exhibits (including witness statements)	
File responses to objections to rebuttal exhibits (including witness statements)	
File responses to motions <i>in limine</i>	Friday, January 9, 2015
Third settlement conference	
Submit third settlement conference joint report	

Procedural Schedule, Investigation No. 337-TA-915	
Event	Date
Pre-hearing conference	Friday, January 23, 2015
Hearing	Monday, January 26, 2015 – Friday, January 30, 2015
File initial post-hearing briefs and final exhibit lists	Friday, February 13, 2015
Submit final direct and rebuttal exhibits (including witness statements) with direct and rebuttal physical and demonstrative exhibits	Friday, February 23, 2015
File reply post-hearing briefs	Friday, February 27, 2015
Initial Determination Due	Thursday, May 21, 2015
Target date for completion of investigation	Monday, September 21, 2015

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CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **PUBLIC ORDER NO. 3** has been served upon the **Commission Investigative Attorney, Matthew Bathon, Esq.**, and the following parties as indicated on **MAY 29** 2014.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112A
Washington, DC 20436

FOR COMPLAINANTS VIXS SYSTEMS, INC. & VIXS USA, INC.:

Ralph A. Phillips, Esq.
FISH & RICHARDSON P.C.
1425 K Street, N.W., 11th Floor
Washington, D.C. 20005

() Via Hand Delivery
() Via Express Delivery
☒ Via First Class Mail
() Other: _____

FOR RESPONDENT ENTROPIC COMMUNICATIONS, INC.:

Maureen F. Browne, Esq.
COVINGTON & BURLING, LLP
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

() Via Hand Delivery
() Via Express Delivery
☒ Via First Class Mail
() Other: _____

FOR RESPONDENT DirectTV, LLC :

Paul F. Brinkman, Esq.
**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**
777 6th Street N.W.
Washington, DC 20001

() Via Hand Delivery
() Via Express Delivery
☒ Via First Class Mail
() Other: _____

FOR RESPONDENT WISTRON NeWEB CORPORATION :

Harold E. Davis, Jr.
K & L GATES LLP
Four Embarcadero Center, Suite 1200
San Francisco, CA 94111

() Via Hand Delivery
() Via Express Delivery
☒ Via First Class Mail
() Other: _____

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FOR RESPONDENT:

CyberTAN TECHNOLOGY
99 Park Avenue III
Science Park
Hsinchu 308, Taiwan

() Via Hand Delivery
() Via Express Delivery
☒ Via First Class Mail
() Other: _____