

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN WIRELESS DEVICES,
INCLUDING MOBILE PHONES AND
TABLETS II**

Inv. No. 337-TA-905

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

(February 4, 2014)

By publication of a notice in the Federal Register on January 24, 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 wireless devices, including mobile phones and tablets by reason of infringement of one or more of claims 1-5, 7-17, and 19-21 of the '124 patent and claims 1-33 of the '795 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

79 F.R. 4173-4174 (January 24, 2014).

The complainant is Pragmatus Mobile, LLC of Alexandria, Virginia. (*Id.*) The named respondents are Nokia Corporation (Nokia Oyj) of Espoo, Finland; Nokia, Inc. of Sunnyvale, California; Samsung Electronics Co., Ltd. of Seoul, Republic of Korea; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey; Samsung Telecommunications America, LLC of Richardson, Texas; Sony Corporation of Tokyo, Japan; Sony Mobile Communications AB of Lund, Sweden; Sony Mobile Communications (USA) or Atlanta, Georgia; ZTE Corporation of Shenzhen, China; and ZTE (USA) Inc. of Richardson, Texas. (*Id.*) The Office of Unfair Import

Investigations is a party to this Investigation. (*Id.*)

The target date for this Investigation shall be May 26, 2015, which is sixteen months from the date the Notice of Investigation was published in the Federal Register.¹ Consequently, any final initial determination would be due by January 26, 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 **Wednesday, February 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, 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 is now in effect. The pre-hearing conference in this Investigation shall commence at 8:45 AM, Friday, September 19, 2014, and shall conclude no later than 11:45 AM, Friday, September 19, 2014. The hearing in this Investigation shall commence at 8:45 AM, Monday, September 22, 2014, and shall conclude no later than 11:45 AM, Friday, September 26, 2014.

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 ("Staff"). The parties may propose modifications to the deadlines indicated in the attached procedural schedule. The parties shall submit their joint proposed modifications to

¹ May 24, 2015 is a Sunday, and May 25, 2015 is a federal holiday.

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

Procedural Schedule, Investigation No. 337-TA-905	
Event	Date
Deadline for Propounding Ground Rule 6.2 Interrogatories	Friday, February 14, 2014
Initial Case Management Conference	Wednesday, February 26, 2014
Deadline for Ground Rule 7.1 Disclosure of Priority Dates and Dates of Conception/Reduction to Practice	Friday, March 14, 2014
First settlement conference	
Submit first settlement conference joint report	
Exchange list of claim terms for construction	Wednesday, March 19, 2014
Exchange proposed claim constructions	Wednesday, April 2, 2014
Deadline for Ground Rule 7.2 Disclosure of Products	Friday, April 4, 2014
File joint claim construction chart	Wednesday, April 9, 2014
File identification of expert witnesses, including their expertise and curriculum vitae	
File initial claim construction briefs	Monday, April 14, 2014
Deadline for Ground Rule 7.3 Disclosure of Domestic Industry Contentions	Friday, April 18, 2014
File reply claim construction briefs	Monday, April 28, 2014
Technical Tutorial	Tuesday, May 6, 2014
Markman Hearing	Tuesday, May 6, 2014 - Wednesday, May 7, 2014
Deadline for Ground Rule 7.4 Disclosure of Infringement Contentions	Friday, May 30, 2014

Deadline for Ground Rule 7.5 Disclosure of Invalidity Contentions	Friday, May 30, 2014
Fact discovery cutoff and completion	Friday, June 13, 2014
Second settlement conference	
Submit second settlement conference joint report	
Serve initial expert reports	Friday, June 27, 2014
Serve rebuttal expert reports	Friday, July 11, 2014
Deadline for filing summary determination motions	Monday, July 21, 2014
Expert discovery cutoff and completion	Friday, July 25, 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)	Friday, August 22, 2014
Third settlement conference	
Submit third settlement conference joint report	


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, September 5, 2014
Pre-hearing conference	Friday, September 19, 2014
Hearing	Monday, September 22, 2014 - Friday, September 26, 2014
File initial post-hearing briefs and final exhibit lists	Friday, October 10, 2014
Submit final direct and rebuttal exhibits (including witness statements) with direct and rebuttal physical and demonstrative exhibits	Friday, October 10, 2014
File reply post-hearing briefs	Friday, October 24, 2014
Initial Determination Due	Monday, January 26, 2015
Target date for completion of investigation	Monday, May 26, 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, John Shin, Esq.**, and the following parties as indicated on FEB - 5 2014



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

FOR COMPLAINANT PRAGMATUS MOBILE, LLC.:

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**FOR RESPONDENTS SAMSUNG ELECTRONICS CO., LTD, SAMSUNG
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337-TA-905

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