

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN COAXIAL CABLE CONNECTORS
AND COMPONENTS THEREOF AND
PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-650

**ORDER NO. 29: INITIAL DETERMINATION SETTING REMAND TARGET DATE;
AND ORDER SETTING REMAND SCHEDULE**

(April 1, 2010)

On March 31, 2010, the Commission issued a Commission Opinion and a Remand Order in the above referenced Investigation, ruling, in part, that the Administrative Law Judge must make a remand initial determination on the question of “whether PPC has made a substantial investment in the exploitation of the ‘539 patent¹” in a manner consistent with the principles set forth in the Commission’s Opinion. (*See* Commission Opinion dated March 31, 2010 (“Commission Opinion”); Remand Order dated March 31, 2010 (“Remand Order”).) The Commission further extended the target date of this Investigation to June 1, 2010, but in addition ordered that the Administrative Law Judge must reset the target date to allow the Commission three months to complete its review of the resultant remand initial determination. (Remand Order at 3.) In accordance with the Commission’s order, it is the Initial Determination of the Administrative Law

¹ U.S. Patent No. D440,539.


Judge that the target date for this Investigation shall be set for August 30, 2010. The remand initial determination shall be due no later than May 28, 2010.

The Administrative Law Judge further finds that approximately four hours of hearing time will be necessary to develop the record with respect to the cost and extent of each individual activity alleged by Complainant to be related to licensing of the '539 design patent. (*See* Remand Order at 3.) Relevant to this inquiry will be witness testimony or other evidence with respect to "litigation activities and costs, including any relevant costs associated with conducting settlement negotiations and drafting and negotiating [a] license" that may be related to licensing of the '539 design patent. (*See* Commission Opinion at 54.) Accordingly, the Administrative Law Judge will set a four hour remand hearing for April 27, 2010, with the location and time to be announced no later than April 9, 2010. Opening and closing arguments will not be permitted. The parties should meet and confer by no later than April 20, 2010 to determine how the parties' remand hearing time will be allocated, with the understanding that the bulk of the remand hearing time should be allocated to Complainant. The parties should submit a brief, joint statement or schedule outlining the anticipated allocation of remand hearing time no later than April 22, 2010. Further, the parties may submit initial remand briefing on May 4, 2010 and responsive remand briefing on May 10, 2010.

This Initial Determination is hereby certified to the Commission. Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall become the determination of the Commission unless a party files a petition for review of the Initial Determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders on its own motion a review of the Initial

Determination or certain issues herein.

SO ORDERED.

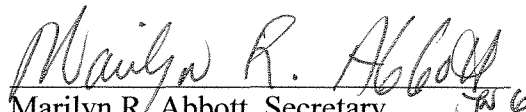

E. James Gildea
Administrative Law Judge

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CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached has been served upon, **Kevin Baer, Esq.**, Commission Investigative Attorney, and the following parties via first class mail and air mail where necessary on April 1, , 2010.


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