

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN PERIODONTAL LASER DEVICES
AND COMPONENTS THEREOF**

Inv. No. 337-TA-1070

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

(October 12, 2017)

By publication of a notice in the Federal Register on September 15, 2017, 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)(A) 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 periodontal laser devices and components thereof by reason of false advertising, the threat or effect of which is to destroy or substantially injure an industry in the United States;

82 FR 43401 (September 15, 2017).

The complainant in this Investigation is Millennium Dental Technologies, Inc., of Cerritos, CA. The named respondents are: Fotono d.o.o., Inc. of Slovenia and Fotona, LLC of Dallas, TX. The Office of Unfair Import Investigations is a party in this investigation. *Id.* at 43402.

The target date for this Investigation shall be Friday, December 14, 2018, which is fifteen (15) months from the date that the Notice of Investigation was published in the Federal Register. *See* 19 C.F.R. § 210.51(a). Consequently, the final initial determination will be due on Thursday, August 9, 2018. *See* 19 C.F.R. § 210.42(a)(1)(i).

Initial Case Management Conference

Pursuant to Ground Rule 6, I will hold the initial case management conference in this Investigation on **Tuesday, November 7, 2017 at 10:00 AM**. 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 file a case management statement two (2) business days prior to the scheduled initial case management conference, *i.e.*, on **Friday, November 3, 2017** by the close of business.

Procedural Schedule

I hereby order that the Procedural Schedule attached hereto as Appendix A is now in effect. The pre-hearing conference in this investigation shall commence at 9:00 AM on **Friday, April 20, 2018**. Immediately following the pre-hearing conference, the evidentiary hearing in this investigation shall commence. The hearing shall conclude no later than **Friday, April 27, 2018**. The typical hearing day shall be from 9:00 AM to 4:45 PM, except on Fridays where the hearing day shall end at 11:45 AM.

The parties shall meet and confer to jointly propose deadlines for those events in the Procedural Schedule where no deadline is indicated. The parties may also propose additional

deadlines or modifications to the listed deadlines. The parties shall include a proposed joint procedural schedule at the time they file their initial case management statements.

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, CASE NO. 337-TA-1070	
Event	Date
Initial Case Management Conference	Tuesday, November 07, 2017
File identification of expert witnesses, including their expertise and curriculum vitae	
First settlement conference	
Submit first settlement conference joint report	
Fact discovery cutoff and completion	
Second settlement conference	
Submit second settlement conference joint report	
Serve initial expert reports	
Serve rebuttal expert reports	
Deadline for filing summary determination motions	Tuesday, February 20, 2018
Expert discovery cutoff and completion	
Third settlement conference	
Submit third settlement conference joint report	
File requests for receipt of evidence without a witness	
Serve proposed exhibit lists	
Serve proposed direct exhibits (including witness statements), with available proposed physical and demonstrative exhibits	
File objections to proposed direct exhibits (including witness statements)	
File responses to objections to proposed direct exhibits (including witness statements)	
Serve proposed rebuttal exhibits (including witness statements), with available proposed rebuttal physical and demonstrative exhibits	
File pre-hearing statements and briefs	Friday, March 16, 2018
Submit on electronic media proposed direct and proposed rebuttal exhibits (including witness statements) with available proposed direct and proposed rebuttal physical and demonstrative exhibits	Friday, March 16, 2018
Deadline for filing motions <i>in limine</i>	Friday, March 23, 2018
File objections to proposed rebuttal exhibits (including witness statements)	
File responses to objections to proposed rebuttal exhibits (including witness statements)	
File responses to motions <i>in limine</i>	Friday, April 06, 2018

Pre-hearing conference	Friday, April 20, 2018
Hearing Start	Friday, April 20, 2018
Hearing End	Friday, April 27, 2018
File initial post-hearing briefs addressing issues on which the party bears the burden of proof	Friday, May 11, 2018
File final exhibit lists	Friday, May 11, 2018
Submit final direct and rebuttal exhibits (including witness statements) with direct and rebuttal physical and demonstrative exhibits	Friday, May 11, 2018
File responsive post-hearing briefs	Friday, May 25, 2018
File reply post-hearing briefs	Friday, June 01, 2018
Initial Determination Due	Thursday, August 09, 2018
Target date for completion of investigation	Friday, December 14, 2018

