

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN HYBRID ELECTRIC VEHICLES
AND COMPONENTS THEREOF**

Inv. No. 337-TA-1006

**ORDER No. 4: REGARDING TARGET DATE, CASE MANAGEMENT
CONFERENCE, AND PROCEDURAL SCHEDULE**

(July 8, 2016)

By publication of a notice in the Federal Register on May 23, 2016, 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:

(a) 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 passenger vehicle automotive wheels by reason of infringement of the claims of the '211 patent, the '330 patent, the '776 patent, '726 patent, the '760 patent, the '823 patent, the '150 patent, the '733 patent, and the '772 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(b) whether there is a violation of subsection (a)(1)(C) 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 passenger vehicle automotive wheels by reason of infringement of the '891 mark, the '458 mark, the '055 mark, the '353 mark, the '727 mark, the '386 mark, the '557 mark, '271 mark, the '584 mark, the '265 mark, the '643 mark, the '827 mark, the '240 mark, the '216 mark, the '842 mark, the '833 mark, and the '332 mark, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

81 FR 39711 (June 17, 2016).

The Complainant in this Investigation is Daimler AG of Stuttgart, Germany. The named Respondents are: A-Z Wheels LLC d/b/a UsaRim/UsaRim.com/Eurotech Wheels of San Diego, CA; Galaxy Wheels & Tires, LLC of San Diego, CA ; Infobahn International, Inc. d/b/a Infobahn/Eurotech/Eurotech Luxury, Wheels/Eurotech Wheels/UsaRim of San Diego, CA;

Amazon.com, Inc. of Seattle, WA; A Spec Wheels & Tires LLC d/b/a A SPEC Wheels & Tires of Hayward, CA; American Tire Distributors Holdings, Inc., of Huntersville, NC; American Tire Distributors, Inc., of Huntersville, NC; Onyx Enterprises Int'l, Corp. d/b/a CARiD.COM, of Cranbury, NJ; O.E. Wheel Distributors, LLC of Sarasota, FL; Powerwheels Pro, LLC of Waterford, MI; and Trade Union International Inc. d/b/a Topline of Montclair, CA. The Office of Unfair Import Investigations is also a party in this investigation. *Id.*

The target date for this Investigation shall be Tuesday, October 17, 2017, which is sixteen months from the date that the Notice of Investigation was published in the Federal Register. *See* 19 C.F.R. § 210.51(a). Consequently, any final initial determination would be due by Friday, June 16, 2017. *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 **Monday, August 1, 2016 at 10:00 AM**. The conference will be held telephonically. Complainants 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 **Thursday, July 28, 2016** by the close of business.

Procedural Schedule

I hereby order that the Procedural Schedule attached hereto as Appendix A is now in effect. A technology tutorial will commence at 9:00 AM on Monday, October 17, 2016. The tutorial shall be immediately followed by a *Markman* hearing, which shall conclude no later than 4:45 PM on Tuesday, October 18, 2016. The pre-hearing conference in this investigation shall commence at 9:00 AM on Thursday, February 16, 2017. Immediately following the pre-hearing conference, the

evidentiary hearing in this investigation shall commence. The hearing shall conclude no later than Friday, February 24, 2017. 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. There will be no hearing on Monday, February 20, 2017 as the USITC will be closed in observance of Presidents' Day.

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.



Thomas B. Pender
Administrative Law Judge

APPENDIX A

PROCEDURAL SCHEDULE, CASE NO. 337-TA-1006	
Event	Date
Deadline for Propounding Ground Rule 6.2 Interrogatories	Monday, July 18, 2016
Initial Case Management Conference	Monday, August 1, 2016
File identification of expert witnesses, including their expertise and curriculum vitae	
Deadline for Ground Rule 7.1 Disclosure of Priority Dates and Dates of Conception/Reduction to Practice	Friday, August 5, 2016
Exchange list of claim terms for construction	Friday, August 12, 2016
Exchange proposed claim constructions	Friday, August 19, 2016
File joint claim construction chart	Friday, August 26, 2016
First settlement conference	
Submit first settlement conference joint report	
Deadline for Ground Rule 7.2 Disclosure of Products	Friday, September 9, 2016
Deadline for Ground Rule 7.3 Disclosure of Domestic Industry Contentions	Friday, September 16, 2016
File initial claim construction briefs	Friday, September 16, 2016
File reply claim construction briefs	Friday, September 30, 2016
Technology Tutorial	Monday, October 17, 2016
Markman Hearing	Monday, October 17, 2016 through Tuesday, October 18, 2016
Deadline for Ground Rule 7.4 Disclosure of Infringement Contentions	Monday, October 31, 2016
Deadline for Ground Rule 7.5 Disclosure of Invalidity Contentions	Monday, October 31, 2016
Issue Order Construing Terms (*tentative date*)	Friday, November 18, 2016

PROCEDURAL SCHEDULE, CASE NO. 337-TA-1006

Event	Date
Fact discovery cutoff and completion	Friday, December 2, 2016
Second settlement conference	
Submit second settlement conference joint report	
Serve initial expert reports	Friday, December 16, 2017
Deadline for filing summary determination motions	Friday, December 16, 2017
Serve rebuttal expert reports	Friday, December 30, 2017
Expert discovery cutoff and completion	Friday, January 20, 2017
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, January 27, 2016
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, January 27, 2016
Deadline for filing motions <i>in limine</i>	
File objections to proposed rebuttal exhibits (including witness statements)	
File responses to objections to proposed rebuttal exhibits (including witness statements)	

PROCEDURAL SCHEDULE, CASE NO. 337-TA-1006

Event	Date
File responses to motions <i>in limine</i>	Wednesday, February 1, 2017
Pre-hearing conference	Thursday, February 16, 2017
Hearing	Thursday, February 16, 2017 through Friday, February 24, 2017
File initial post-hearing briefs	Friday, March 10, 2017
File final exhibit lists	Friday, March 10, 2017
Submit final direct and rebuttal exhibits (including witness statements) with direct and rebuttal physical and demonstrative exhibits	Friday, March 10, 2017
File responsive post-hearing briefs	Friday, March 24, 2017
File reply post-hearing briefs	Friday, April 7, 2017
Initial Determination Due	Friday, June 16, 2017
Target date for completion of investigation	Tuesday, October 17, 2017

**IN THE MATTER OF CERTAIN PASSENGER VEHICLE
AUTOMOTIVE WHEELS**

337-TA-1006

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **PUBLIC ORDER NO. 04** has been served upon the **Commission Investigative Attorney, Vu Bui, Esq.**, and the following parties as indicated on JUL -8 2016.



Lisa R. Barton, Secretary
U.S. International Trade Commission
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**IN THE MATTER OF CERTAIN PASSENGER VEHICLE
AUTOMOTIVE WHEELS
FOR RESPONDENT AMAZON.COM, INC.**

337-TA-1006

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