

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN LTE WIRELESS
COMMUNICATION DEVICES AND
COMPONENTS THEREOF**

Inv. No. 337-TA-1051

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

(June 6, 2017)

By publication of a notice in the *Federal Register* on May 1, 2017, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, the Commission instituted this investigation to determine:

[W]hether 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 LTE wireless communication devices and components thereof by reason of infringement of one or more of claims 1–3 and 7–9 of the '714 patent [U.S. Patent No. 7,916,714]; claims 1–4, 7, 10–13, and 16 of the '456 patent [U.S. Patent No. 8,107,456]; claims 1, 2, 4, 11, 12, and 14 of the '173 patent [U.S. Patent No. 9,191,173]; claims 1–3, 5–9, 11–14, and 16–19 of the '572 patent [U.S. Patent No. 9,225,572]; and claims 1–6 of the '560 patent [U.S. Patent No. 8,891,560], and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

82 Fed. Reg. 20377 (May 1, 2017).

Additionally, pursuant to Commission Rule 210.50(b)(1), the Commission ordered:

Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1).

Id.

The complainants are LG Electronics, Inc. of Seoul, Republic of Korea; LG Electronics Alabama, Inc. of Huntsville, Alabama; and LG Electronics MobileComm U.S.A., Inc. of Englewood Cliffs, New Jersey. The named respondents are BLU Products, Inc. of Doral, Florida and CT Miami, LLC of Doral, Florida. The Office of Unfair Import Investigations is also named as a party to this investigation. *Id.*

The target date for this Investigation shall be Tuesday, September 4, 2018, 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); 19 C.F.R. § 201.14(a). Consequently, any final initial determination would be due by Friday, May 4, 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 **Monday, June 19, 2017 at 10:00 a.m.** 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, June 15, 2017**, 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 8:45 a.m. on Monday, September 18, 2017. The tutorial shall be followed immediately by a *Markman* hearing, which shall conclude no later than 4:45 p.m.

on Tuesday, September 19, 2017. The pre-hearing conference in this investigation shall commence at 8:45 a.m. on Friday, February 2, 2018. Immediately following the pre-hearing conference, the evidentiary hearing in this investigation shall commence. The hearing shall conclude no later than Friday, February 9, 2017. The typical hearing day shall be from 8:45 a.m. to 4:45 p.m., except on Fridays where the hearing day shall end at 11:45 a.m.

The parties shall meet and confer to propose joint 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 cursive script, reading "Thomas B. Pender". The signature is written in black ink and is positioned above a horizontal line.

Thomas B. Pender
Administrative Law Judge

APPENDIX A

PROCEDURAL SCHEDULE, INVESTIGATION NO. 337-TA-1051	
Event	Date
Initial Case Management Conference	Monday, June 19, 2017
Deadline for Propounding Ground Rule 6.2 Interrogatories	
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	
Exchange list of claim terms for construction	
Exchange proposed claim constructions	
File joint claim construction chart	Monday, August 07, 2017
Deadline for Ground Rule 7.2 Disclosure of Products	
First settlement conference	
Submit first settlement conference joint report	
Deadline for Ground Rule 7.3 Disclosure of Domestic Industry Contentions	
File initial claim construction briefs	Monday, August 21, 2017
File reply claim construction briefs	Wednesday, September 06, 2017
Deadline for Ground Rule 7.4 Disclosure of Infringement Contentions	
Deadline for Ground Rule 7.5 Disclosure of Invalidity Contentions	
Technical Tutorial	Monday, September 18, 2017
Markman Hearing Start	Monday, September 18, 2017

Markman Hearing End	Tuesday, September 19, 2017
Issue Order Construing Terms (*tentative date*)	October 2017
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	Monday, November 20, 2017
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, January 05, 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, January 05, 2018

Deadline for filing motions in limine	Tuesday, January 09, 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 in limine	Friday, January 19, 2018
Pre-hearing conference	Friday, February 02, 2018
Hearing Start	Monday, February 05, 2018
Hearing End	Friday, February 09, 2018
File initial post-hearing briefs addressing issues on which the party bears the burden of proof	Friday, February 23, 2018
File final exhibit lists	Friday, February 23, 2018
Submit final direct and rebuttal exhibits (including witness statements) with direct and rebuttal physical and demonstrative exhibits	Friday, February 23, 2018
File responsive post-hearing briefs	Friday, March 09, 2018
File reply post-hearing briefs	Friday, March 16, 2018
Initial Determination Due	Friday, May 04, 2018
Target date for completion of investigation	Tuesday, September 04, 2018

