

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN CONSUMER ELECTRONIC
DEVICES, INCLUDING TELEVISIONS,
GAMING CONSOLES, MOBILE PHONES
AND TABLETS, AND NETWORK-
ENABLED DVD AND BLU-RAY PLAYERS**

Inv. No. 337-TA-1060

**ORDER NO. 5: SETTING TARGET DATE, HEARING DATES, AND
PRELIMINARY CONFERENCE**

(July 19, 2017)

On June 7, 2017, the Commission issued a Notice of Investigation in this matter upon a complaint alleging violations of section 337 of the Tariff Act of 1930, as amended, by reason of infringement of certain claims of U.S. Patent No. 6,473,858 (“the ’858 patent”); U.S. Patent No. 6,934,148 (“the ’148 patent”); U.S. Patent No. 7,113,502 (“the ’502 patent”); U.S. Patent No. 7,752,564 (“the ’564 patent”); U.S. Patent No. 8,300,156 (“the ’156 patent”); and U.S. Patent No. 9,521,466 (“the ’466 patent”). The Commission ordered that 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 consumer electronic devices, including televisions, gaming consoles, mobile phones and tablets, and network-enabled DVD and Blu-ray players by reason of infringement of one or more of claims 29, 33-39, 42, and 43 of the ’858 patent; claims 1, 2, and 4 of the ’148 patent; claims 1-6, 18-21, and 34-37 of the ’502 patent; claims 1-6 and 8-22 of the ’564 patent; claims 1-6, 9, and 11-31 of the ’156 patent; and claims 1-5, 7, 8, 12, and 15-17 of the ’466 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

Notice of Investigation at 2. The Investigation was instituted upon publication of the Notice of Investigation in the *Federal Register* on Tuesday, June 13, 2017. 82 Fed. Reg. 27078-79 (2017); *see* 19 C.F.R. § 210.10(b).

The Complainant is ARRIS Enterprises LLC of Suwanee, Georgia. Notice of Investigation at 2. The Respondents are Sony Corporation of Tokyo, Japan; Sony Corporation of America (New York, New York); Sony Electronics Inc. of San Diego, California; Sony Interactive Entertainment Inc. of Tokyo, Japan; and Sony Mobile Communications (USA) Inc., Sony Interactive Entertainment LLC, and Sony Interactive Entertainment America LLC of San Mateo, California. *Id.* at 2-3. The Office of Unfair Import Investigations is also a party in this investigation. *Id.* at 3.


Based upon the issues identified in the Complaint and Notice of Investigation, and in consideration of the schedules for other ongoing investigations, the target date for completion of this investigation shall be Friday, October 12, 2018, which is less than sixteen months after institution of the investigation. *See* 19 C.F.R. § 210.51(a). Accordingly, the initial determination on alleged violation of section 337 shall be due by Tuesday, June 12, 2018. *See* 19 C.F.R. § 210.42(a)(1)(i).

The evidentiary hearing in this investigation shall begin following a pre-hearing conference on Monday, March 19, 2018, and it will conclude by the close of business on Friday, March 23, 2018. *See* 19 C.F.R. § 210.36. Pursuant to Ground Rule 5.2, I have determined that a *Markman* hearing would be beneficial to this investigation, and a *Markman* hearing shall be held on Wednesday, November 29, 2017. The parties may also present technology tutorials on the day of the *Markman* hearing.

The parties shall submit a proposed procedural schedule no later than Tuesday, July 25, 2017, taking into account the target date and the above-identified dates for hearings. The contents for the procedural schedule are set forth in Ground Rule 2. The parties should make intensive good faith efforts to agree to a procedural schedule, and it is expected that in most instances the parties will submit a joint proposal. Any proposed procedural schedule should not be filed with the Secretary but served on the Administrative Law Judge pursuant to Ground Rule 1.3 with an electronic copy in Word format pursuant to Ground Rule 1.4.

I will hold a preliminary conference on Thursday, July 27, 2017, at 11:00 a.m. via telephone. The parties should be prepared to discuss any issues with respect to the ground rules, the protective order, the procedural schedule, discovery, and any other matters that may have surfaced. Counsel for Complainant shall be responsible for the logistics of the teleconference, including arranging for a court reporter and circulating a dial-in number.

SO ORDERED.




Dee Lord
Administrative Law Judge

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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, Peter Sawert, Esq., and the following parties as indicated, on 7/19/2017



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

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**On Behalf of Respondents Sony Corporation,
Sony Corporation of America, Sony Electronics Inc.,
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