

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN RECOMBINANT FACTOR IX
PRODUCTS**

Inv. No. 337-TA-1066

ORDER NO. 5: PROCEDURAL SCHEDULE

(October 10, 2017)

Pursuant to Order No. 4 (Sept. 6, 2017), the parties submitted a proposed procedural schedule, and a preliminary conference was held on September 19, 2017, where dates in the procedural schedule were set. This investigation shall proceed in accordance with the procedural schedule set forth below:

Event	Joint Proposed Dates
First settlement conference	On or before November 3, 2017
Submit first settlement conference joint report	November 10, 2017
Exchange List of Claim Terms for Construction – private parties	October 20, 2017
Exchange any additional Claim Terms for construction – Staff	October 24, 2017
Exchange Preliminary Proposed Claim Constructions	November 1, 2017
Exchange Final Proposed Claim Constructions	November 14, 2017
Initial Markman Briefs – private parties	November 20, 2017
Initial Markman Brief – Staff	November 28, 2017
File Notice of Prior Art	December 1, 2017
Rebuttal Markman Briefs	December 11, 2017

Event	Joint Proposed Dates
File identification of expert witnesses, including their expertise and curriculum vitae	December 18, 2017
Initial tutorial on technology (if necessary)	December 20, 2017
Markman Hearing	December 20, 2017
File tentative list of witnesses a party will call to testify at the hearing	January 4, 2018
Fact discovery cutoff and completion	January 31, 2018
Deadline for motions to compel discovery	February 2, 2018
Exchange of initial expert reports (identify tests/surveys/data)	February 2, 2018
Exchange of rebuttal expert reports	February 20, 2018
Expert discovery cutoff and completion	March 9, 2018
Deadline for filing summary determination motions	March 12, 2018
Exchange of exhibit lists among parties	March 19, 2018
Attendance at one day mediation session	On or before March 21, 2018
Exchange proposed direct exhibits (including witness statements), with available physical and demonstrative exhibits – Complainants and respondents	March 26, 2018
Submission of joint report on mediation	March 28, 2018
Exchange proposed direct exhibits (including witness statements), with available physical and demonstrative exhibits - staff	April 2, 2018
Exchange proposed rebuttal exhibits (including witness statements), with available rebuttal physical and demonstrative exhibits – all parties	April 13, 2018
Submit proposed exhibits to Administrative Law Judge – all parties	April 16, 2018
File pre-hearing statement and brief - Complainant and Respondent	April 16, 2018

Event	Joint Proposed Dates
Deadline for filing motions <i>in limine</i>	April 18, 2018
File high priority objections statement	April 23, 2018
File pre-hearing statement and brief - Staff	April 23, 2018
File responses to motions in limine	April 25, 2018
File responses to high priority objections statement	April 30, 2018
Second settlement conference	On or before May 2, 2018
Submission of second settlement conference joint report	May 4, 2018
Supplemental tutorial on technology (if necessary)	May 7, 2018
Pre-trial conference	May 9, 2018
Hearing	May 9-11, 14-15, 2018
File initial post-hearing briefs and final exhibit lists	May 30, 2018
File reply post-hearing briefs	June 8, 2018
Initial Determination due	August 14, 2018
Target date for completion of investigation	December 14, 2018


SO ORDERED.

Dee Lord

Dee Lord
Administrative Law Judge

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, Monica Bhattacharyya, Esq., and the following parties as indicated, on 10/10/2017



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

On Behalf of Complainants Bioverativ Inc., Bioverativ Therapeutics Inc., and Bioverativ U.S. LLC:

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On Behalf of Respondents CSL Behring GmbH, CSL Behring LLC, CSL Behring Recombinant Facility AG:

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