

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN HYBRID ELECTRIC VEHICLES AND
COMPONENTS THEREOF

Inv. No. 337-TA-998

ORDER No. 9: SETTING PROCEDURAL SCHEDULE

(October 21, 2016)

In accordance with the Discovery Conference held on October 20, 2016, 2016, and the parties' October 13, 2016 submission regarding revised deadlines, I hereby adopt the Procedural Schedule set forth in Appendix A as the procedural schedule in this Investigation.

SO ORDERED.



Thomas B. Pender
Administrative Law Judge

APPENDIX A

| PROCEDURAL SCHEDULE, CASE NO. 337-TA-998 | |
|---|--|
| Event | Date |
| Initial Case Management Conference | Thursday, June 30, 2016 |
| Deadline for Propounding Ground Rule 6.2 Interrogatories | Friday, July 8, 2016 |
| Deadline for Ground Rule 7.1 Disclosure of Priority Dates and Dates of Conception/Reduction to Practice | Friday, July 15, 2016 |
| Exchange list of claim terms for construction | Friday, July 22, 2016 |
| Exchange proposed claim constructions | Friday, July 29, 2016 |
| File joint claim construction chart | Friday, August 5, 2016 |
| Deadline for Ground Rule 7.2 Disclosure of Products | Friday, August 12, 2016 |
| Deadline for Ground Rule 7.3 Disclosure of Domestic Industry Contentions | Friday, August 12, 2016 |
| File identification of expert witnesses, including their expertise and curriculum vitae | Friday, August 19, 2016 |
| File initial claim construction briefs | Friday, August 19, 2016 |
| First settlement conference | By no later than Wednesday, August 31, 2016 |
| File reply claim construction briefs | Friday, September 2, 2016 |
| Submit first settlement conference joint report | By no later than Wednesday, September 7, 2016 |
| Technology Tutorial | Monday, September 12, 2016 |
| Markman Hearing | Monday, September 12, 2016 through Tuesday, September 13, 2016 |
| Deadline for Ground Rule 7.5 Disclosure of Invalidity Contentions | Friday, September 23, 2016 |
| Issue Order Construing Terms | Friday, October 6, 2016 |

PROCEDURAL SCHEDULE, CASE NO. 337-TA-998

| Event | Date |
|---|--|
| Deadline for Ground Rule 7.4 Disclosure of Infringement Contentions | Friday, October 28, 2016 |
| Fact discovery cutoff and completion | Thursday, November 3, 2016 |
| Serve initial expert reports | Monday, November 14, 2016 |
| Second settlement conference | By no later than Wednesday, November 16, 2016 |
| Submit second settlement conference joint report | By no later than Wednesday, November 23, 2016 |
| Serve rebuttal expert reports | Monday, November 28, 2016 |
| Deadline for filing summary determination motions | Tuesday, November 29, 2016 |
| Expert discovery cutoff and completion | Tuesday, December 13, 2016 |
| File requests for receipt of evidence without a witness | Tuesday, December 13, 2016 |
| Serve proposed exhibit lists | Tuesday, December 13, 2016 |
| Serve proposed direct exhibits (including witness statements), with available proposed physical and demonstrative exhibits | Wednesday, December 21, 2016 |
| File objections to proposed direct exhibits (including witness statements) | N/A |
| File responses to objections to proposed direct exhibits (including witness statements) | N/A |
| Serve proposed rebuttal exhibits (including witness statements), with available proposed rebuttal physical and demonstrative exhibits | Tuesday, December 27, 2016 |
| File pre-hearing statements and briefs | Thursday, December 29, 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 | Thursday, December 29, 2016 |
| Deadline for filing motions <i>in limine</i> | Friday, December 30, 2016 |
| File objections to proposed rebuttal exhibits (including witness statements) | N/A |

PROCEDURAL SCHEDULE, CASE NO. 337-TA-998

| Event | Date |
|---|---|
| File responses to objections to proposed rebuttal exhibits (including witness statements) | N/A |
| File responses to motions <i>in limine</i> | Friday, January 6, 2017 |
| Third settlement conference | By no later than Monday, January 16, 2017 |
| Submit third settlement conference joint report | By no later than Friday, January 20, 2017 |
| Pre-hearing conference | Friday, January 27, 2017 |
| Hearing | Monday, January 30, 2017 through Friday, February 3, 2017 |
| File initial post-hearing briefs | Friday, February 17, 2017 |
| File final exhibit lists | Friday, February 17, 2017 |
| Submit final direct and rebuttal exhibits (including witness statements) with direct and rebuttal physical and demonstrative exhibits | Friday, February 17, 2017 |
| File responsive post-hearing briefs | Friday, March 3, 2017 |
| File reply post-hearing briefs | Friday, March 10, 2017 |
| Initial Determination Due | Monday, May 22, 2017 |
| Target date for completion of investigation | Friday, September 22, 2017 |

**IN THE MATTER OF CERTAIN HYBRID ELECTRIC
VEHICLES AND COMPONENTS THEREOF**

337-TA-998

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **PUBLIC ORDER NO. 09** has been served upon the following parties as indicated on _____



OCT 21 2016

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

FOR COMPLAINANTS PAICE LLC & ABEL FOUNDATION, INC:

Linda Liu Kordzie, Esq.
FISH & RICHARDSON P.C.
1425 K Street NW, Suite 1100
Washington, DC 20005

() Via Hand Delivery
() Via Express Delivery
() Via First Class Mail
() Other: _____

**FOR RESPONDENTS DR. ING. H.C.F. PORSCHE AG & PORSCHE CARS NORTH
AMERICA, INC.**

Edgar Haug, Esq.
FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

() Via Hand Delivery
() Via Express Delivery
() Via First Class Mail
() Other: _____

**FOR RESPONDENTS VOLKSWAGEN AG, VOLKSWAGEN GROUP OF AMERICA,
INC., AUDI AG & AUDI OF AMERICA, LLC**

Michael J. Lennon, Esq.
KENYON & KENYON LLP
One Broadway
New York, NY 10004

() Via Hand Delivery
() Via Express Delivery
() Via First Class Mail
() Other: _____