

**MAY CONTAIN CONFIDENTIAL INFORMATION  
SUBJECT TO PROTECTIVE ORDER**

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

**CERTAIN ELECTRONIC DEVICES,  
INCLUDING SMARTPHONES,  
COMPUTERS, TABLET COMPUTERS,  
AND COMPONENTS THEREOF**

**Inv. No. 337-TA-1373**

**ORDER NO. 18: INITIAL DETERMINATION GRANTING-IN-PART JOINT  
MOTION TO AMEND THE PROCEDURAL SCHEDULE  
AND EXTEND THE TARGET DATE BY ONE MONTH**

(December 20, 2023)

On December 14, 2023, Complainants InterDigital, Inc., InterDigital VC Holdings, Inc., InterDigital Patent Holdings, Inc., and InterDigital Madison Patent Holdings SAS (collectively, “InterDigital” or “Complainants”) and Respondents Lenovo Group Limited, Lenovo (United States) Inc., and Motorola Mobility LLC (collectively, “Respondents” and with InterDigital “the Private Parties”) filed a joint motion (“Motion”) to amend the procedural schedule and extend the target date by one month. (Motion Docket No. 1373-011 (Dec. 14, 2023)). The Motion contains a Ground Rule 2.2 certification that the Private Parties made reasonable, good-faith efforts to resolve issues related to the procedural schedule and have agreed to a joint proposal that amends the procedural schedule dates and extends the target date by one month. (Mot. at 2-3.). Counsel for the Office of Unfair Import Investigations (“Staff” and, with the Private Parties, “the Parties”) does not oppose the Motion and takes no position on the motion to extend the target date. (*Id.* at 3.).

The target date for completion of this Investigation is currently February 11, 2025. (Order No. 3 (October 11, 2023)). Accordingly, the Initial Determination on violation (“ID”) in this Investigation is currently due on October 11, 2024. (*Id.*).

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During a Discovery Management Conference (“DMC”) held on December 7, 2023, Complainant identified issues with the impact of the Thanksgiving, Christmas, and New Year holidays on third-party discovery that would have an unavoidable and significant impact on many dates in the current Adopted Procedural Schedule (Order No. 8), including the target date and the deadline for issuance of the ID. The Motion represents that, despite InterDigital’s good faith efforts to move forward efficiently with third-party discovery, “certain third parties have represented that they are not able to substantially complete production of documents or source code within a time-period that Complainants believe is needed to conduct its discovery efforts.” (Mot. at 2.). Therefore, the Parties request the target date in this Investigation be extended from February 11, 2025 to March 4, 2025. (*Id.*).

However, after considering the Private Parties’ and Commission Investigative Staff’s positions on this issue, as well as other schedules and commitments in other matters, the evidentiary hearing (“Hearing”) dates have been moved to the last week of June and the first week of July 2024. Other dates have been adjusted accordingly. Therefore, the Target Date for completion of this Investigation is extended to March 21, 2025. The date for the issuance of the ID is extended through November 21, 2024.

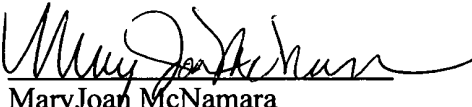
For good cause shown, and because there is no opposition, it is the initial determination of the administrative law judge that the Motion, (Motion Docket No. 1373-011) is GRANTED-IN-PART. The original Procedural Schedule is amended as set forth in Attachment A, which is attached to this order and is now the Adopted Procedural Schedule.

This Initial Determination, along with any supporting documentation, is hereby certified to the Commission. Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall become the determination of the Commission unless a party files a petition for review of the Initial

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Determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders, on its own motion, a review of the Initial Determination or certain issues herein. Any issue or argument not raised in a petition for review, or response thereto, will be deemed to have been abandoned and may be disregarded by the Commission in reviewing the initial determination pursuant to 19 C.F.R. §§ 210.43(b) and (c).

**SO ORDERED.**

  
MaryJoan McNamara  
Administrative Law Judge

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

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**CERTAIN ELECTRONIC DEVICES,  
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**Investigation No. 337-TA-1373**

**ATTACHMENT A TO ORDER NO. 18: AMENDED PROCEDURAL SCHEDULE**

(December 20, 2023)

| <b>Event</b>                                                                                                                                                                                                                                                                                                                                       | <b>Date</b>                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| File tentative list of witnesses a party will call to testify at the hearing, with an identification of each witness's relationship to the party                                                                                                                                                                                                   | January 11, 2024<br>[Thursday]   |
| <b>Management Conference (Likely on WebEx)</b>                                                                                                                                                                                                                                                                                                     | January 17, 2024<br>[Wednesday]  |
| Parties File <i>Markman</i> Briefs with each Party's Proposed Construction of Disputed Claim Terms and Explanation of Their Initial Claim Constructions and Expert Declarations (If Applicable). (Note: "plain and ordinary" meaning is not sufficient. Neither is "indefinite" without thorough explanations and citations to intrinsic evidence) | January 26, 2024<br>[Friday]     |
| Technology Stipulation deadline                                                                                                                                                                                                                                                                                                                    | January 31, 2024<br>[Wednesday]  |
| Amended Markman Pre-Hearing Statement / Claim Construction Chart                                                                                                                                                                                                                                                                                   | February 2, 2024<br>[Friday]     |
| <b><i>Markman</i> Hearing (If Ordered) &amp;</b>                                                                                                                                                                                                                                                                                                   | <b>Week of February 12, 2024</b> |

| Event                                                                                                                                                                                                                                                                                       | Date                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| <b>Management Conference<sup>1</sup></b>                                                                                                                                                                                                                                                    |                                             |
| File Joint Chart Setting Forth Parties' Post-Hearing Claim Constructions (Per Ground Rule 1.14)                                                                                                                                                                                             | February 21, 2024<br>[Wednesday]            |
| Exchange final responses to contention interrogatories on issues for which the party bears the burden of proof                                                                                                                                                                              | March 4, 2024<br>[Monday]                   |
| <b>Last Day to File Motions to Compel Discovery</b><br><b>(The expectation is that these are filed as discovery proceeds, with the last request for intervention pursuant to Ground Rule at least one week before the close of Fact Discovery unless leave is given for a later filing)</b> | <b>March 8, 2024</b><br><b>[Friday]</b>     |
| <b>Management Conference (Likely on Webex)</b>                                                                                                                                                                                                                                              | <b>March 13, 2024</b><br><b>[Wednesday]</b> |
| Exchange final responses to contention interrogatories on issues for which the party does not bear the burden of proof                                                                                                                                                                      | March 15, 2024<br>[Friday]                  |
| <b>Fact Discovery Cutoff and Completion</b><br><b>(This includes identification of Tests/Surveys/Data) (No extensions without Leave) (Note: this means that <i>all fact contentions on infringement and invalidity have been exchanged and completed</i>)</b>                               | <b>March 15, 2024</b><br><b>[Friday]</b>    |
| Exchange of Initial Expert Reports (Send copies to McNamara337@usitc.gov)                                                                                                                                                                                                                   | March 25, 2024<br>[Monday]                  |
| Exchange of Rebuttal Expert Reports (Send copies to McNamara337@usitc.gov)                                                                                                                                                                                                                  | April 11, 2024<br>[Thursday]                |
| <b>Expert Discovery Cutoff and Completion (No extensions without Leave)</b>                                                                                                                                                                                                                 | <b>April 24, 2024</b><br><b>[Wednesday]</b> |

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<sup>1</sup> A Management Conference will be held at the conclusion of the *Markman* Hearing, time permitting. Alternatively, a Management Conference will be held on Wednesday, February 14, 2024 at 2:00 p.m.

| Event                                                                                                                                                                                                                          | Date                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <b>Last Day to file Summary Determination Motions</b>                                                                                                                                                                          | <b>April 26, 2024<br/>[Friday]</b> |
| Management Conference (Likely on Webex)                                                                                                                                                                                        | TBD                                |
| Private Parties Exchange Hearing Exhibit Lists<br>(Most likely, Tentative)                                                                                                                                                     | April 30, 2024<br>[Tuesday]        |
| Attendance at One-day Mediation Session <sup>2</sup>                                                                                                                                                                           | May 1, 2024<br>[Wednesday]         |
| Staff Exchanges Hearing Exhibit Lists                                                                                                                                                                                          | May 3, 2024<br>[Friday]            |
| Submission of statements regarding the use of witness statements in lieu of live direct testimony, and statements regarding whether any party intends to offer expert reports into evidence                                    | May 3, 2024<br>[Friday]            |
| Parties Exchange Exhibits                                                                                                                                                                                                      | May 6, 2024<br>[Monday]            |
| Submission of Mediation Report                                                                                                                                                                                                 | May 8, 2024 [Wednesday]            |
| Complainant and Respondent file Pre-Hearing Statements and Pre-Hearing Briefs                                                                                                                                                  | May 8, 2024<br>[Wednesday]         |
| Staff files Pre-Hearing Statement and Pre-Hearing Brief                                                                                                                                                                        | May 20, 2024<br>[Monday]           |
| File Motions for Receipt of Evidence Without a Witness                                                                                                                                                                         | May 23, 2024<br>[Thursday]         |
| Parties file Joint Outline of Issues from Pre-Hearing Briefs (Per Ground Rule 7.3)                                                                                                                                             | May 23, 2024<br>[Thursday]         |
| <b>Last day to file Motions <i>in Limine</i> (“MIL”) (Complainants are collectively limited to no more than two (2) MILs and HPOs in combination and Respondents are collectively limited to no more than two (2) MILs and</b> | <b>May 28, 2024<br/>[Tuesday]</b>  |

<sup>2</sup> For questions that pertain to the mediation program, the parties should refer to the Revised Users’ Manual for Commission Mediation Program, available at <http://www.usitc.gov>.

| <b>Event</b>                                                                                                                                                                 | <b>Date</b>                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <b>HPOs in combination) without leave<sup>3</sup></b>                                                                                                                        |                                      |
| <b>Last day to file High Priority Objections (“HPO”) (See note above for MILs)</b>                                                                                           | <b>May 28, 2024<br/>[Tuesday]</b>    |
| <b>File Responses to Motions <i>in Limine</i></b>                                                                                                                            | <b>June 4, 2024<br/>[Tuesday]</b>    |
| <b>File Responses to High Priority Objections</b>                                                                                                                            | <b>June 4, 2024<br/>[Tuesday]</b>    |
| File on EDIS any Stipulations Regarding Exchange of Demonstratives for Evidentiary Hearing and Any Other Stipulations into Which the Parties Enter                           | June 20, 2024<br>[Thursday]          |
| Submission of Declarations Justifying Confidentiality of Exhibits                                                                                                            | June 21, 2024<br>[Friday]            |
| <b>Pre-Hearing Conference<br/>(There May Be One or More Conferences Before to Resolve MILs or Other Issues)</b>                                                              | <b>June 26, 2024<br/>[Wednesday]</b> |
| <b>Evidentiary Hearing (Starting with Tutorials, as Parties Propose)</b>                                                                                                     | <b>June 26-28, July 1-2, 2024</b>    |
| <b>Last Day to submit Final Exhibits to Box. All Exhibits should be properly labeled (Follow the Ground Rules and Docket Requirements)</b>                                   | <b>July 8, 2024<br/>[Monday]</b>     |
| <b>Parties File Outline of Issues, Tracing Arguments from Pre- Hearing Through Post-Hearing Reply Briefs (Include Arguments That Have Been Dropped, Per Ground Rule 7.3)</b> | <b>July 9, 2024<br/>[Tuesday]</b>    |
| <b>Parties file Initial Post-Hearing Briefs (Complainants and Respondents’ Briefs Only on Issues for Which The Party Bears The Burden Of Proof) and Final Exhibit Lists</b>  | <b>July 15, 2024<br/>[Monday]</b>    |

<sup>3</sup> Leave may be granted if, for example, a motion is filed that makes a sufficient showing that one or more Respondent(s) do(es) not have an identity of interests with one or more other Respondent(s). Upon a sufficient showing, each Respondent group may be limited to no more than two (2) MILs and HPOs in combination.

| Event                                                                                                                                                                            | Date                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| <b>Parties file Reply Post-Hearing Briefs<br/>(Complainants and Respondents' Briefs Only<br/>on Issues Discussed in the Initial Post-Hearing<br/>Brief of an Opposing Party)</b> | <b>July 22, 2024<br/>[Monday]</b>       |
| <b>Final ID due</b>                                                                                                                                                              | <b>November 21, 2024<br/>[Thursday]</b> |
| <b>Target Date</b>                                                                                                                                                               | <b>March 21, 2025<br/>[Friday]</b>      |

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**Inv. No. 337-TA-1373**

**CONFIDENTIAL CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **INITIAL DETERMINATION** has been served via EDIS upon the Commission Investigative Attorney, **Jennifer Dienes, Esq.** and the following parties as indicated, on **December 20, 2023**.



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

**On Behalf of Complainants InterDigital, Inc., InterDigital  
VC Holdings, Inc., InterDigital Patent Holdings, Inc., and  
InterDigital Madison Patent Holdings SAS:**

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- ☐ Via Hand Delivery
- ☐ Via Express Delivery
- ☐ Via First Class Mail
- ☒ Other: Email Notification  
of Availability for Download

**On Behalf of Respondents Lenovo Group Limited, Lenovo  
(United States) Inc., and Motorola Mobility LLC:**

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