UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of **CERTAIN DERMATOLOGICAL TREATMENT DEVICES AND COMPONENTS THEREOF**	**Inv. No. 337-TA-1356**

ORDER NO. 6: ADOPTED PROCEDURAL SCHEDULE

(April 27, 2023)

On April 24, 2023, pursuant to Order No. 3, Complainant Serendia, LLC ("Complainant" or "Serendia"); Respondent Sung Hwan E&B Co., LTD. d/b/a SHEnB Co. LTD ("SHEnB"); Respondent Aesthetics Biomedical, Inc. ("AB"); Respondent Cartessa Aesthetics, LLC ("Cartessa"); Respondents Lutronic Corporation; Lutronic Aesthetics, Inc., also known as Lutronic, Inc. and Lutronic, LLC (collectively, "Lutronic"); Respondent Ilooda, Co., Ltd. ("Ilooda"); Respondent Cutera, Inc. ("Cutera"); Respondent Jeisys Medical Inc. ("Jeisys"); Respondent Cynosure, LLC ("Cynosure"); Respondents Rohrer Aesthetics, LLC and Rohrer Aesthetics, Inc. (collectively, "Rohrer"); EndyMed Medical, Ltd. and EndyMed Medical, Inc. (collectively, "EndyMed") (collectively, "Respondents," and with Complainant, the "Private Parties"); and Commission Investigative Staff ("Staff," and with the Private Parties, the "Parties") submitted their Joint Proposed Procedural Schedule ("Joint Proposed Schedule"). (Doc. ID No. 794834 (Apr. 24, 2023).). The Parties suggested certain dates that were left open for them to choose.

The Parties agreed upon all the dates except for: (1) Respondents' Notice of Prior Art and (2) whether there should be deadlines for the Private Parties' initial contentions. (*Id.* at 2.). As set forth in Attachment A to this Order, the deadline for Respondents' Notice of Prior Art is May

Serendia, LLC
Exhibit 2018
Jeisys v. Serendia
IPR2024-00383
Ex. 2018-001

24, 2023. The deadlines for submission of burden and non-burden initial contentions, which Complainant and Staff proposed, are May 24, 2023 and June 9, 2023, respectively. It should be noted that the Ground Rules that govern this Investigation do not require burden and/or responsive contentions. Although the Adopted Procedural Schedule, Attachment A, includes the tasks Staff and Complainant proposed, the Parties are expected to adhere to their own proposals.

The Parties also added the following dates:

- December 6, 2023: Staff files Initial Post-Hearing Brief.
- December 19, 2023: Staff files Reply Post-Hearing Brief.

Additionally, the Parties revised the following dates:

- November 29, 2023: Complainant and Respondents file Initial Post-Hearing Briefs.
- December 12, 2023: Complainant and Respondents file Reply Post-Hearing Briefs.

These additions and changes are incorporated into the Adopted Procedural Schedule, Attachment A hereto.

SO ORDERED.

MaryJoan McNamara
Administrative Law Judge

ATTACHMENT A TO ORDER NO. 6

Inv. No. 337-TA-1356

ADOPTED PROCEDURAL SCHEDULE

Event	Adopted Date(s)
Parties file their Proposed Procedural Schedule and identify USPTO/PTO Proceedings as well as State and Federal Litigation that is relevant to this Investigation	**April 24, 2023**
Deadline for Propounding First Set of Interrogatories (All Parties)	April 28, 2023
Deadline for Propounding First Request for Production of Documents (All Parties; must be same date as for First Set of Interrogatories)	April 28, 2023
Deadline for Respondent's Objections and Responses to Complainant's First Set of Interrogatories and Request for Production of Documents (Must be the same date as Complainant's due date)	May 1, 2023
Complainant Files Notice of Patent Priority Dates/Dates of Conception	May 5, 2023
Submit Discovery Committee Report (GR 3.1.1)	**May 10, 2023**
Parties Exchange List of Patent Claim Terms for Construction	May 12, 2023
Deadline for Disclosure of Domestic Industry Products (GR 1.13)	May 15, 2023
Complainant and Respondents Serve Their Proposed Construction of Disputed Claim Terms	May 19, 2023

Event	Adopted Date(s)
Deadline for Having Identified ALL Accused Products and/or Representative Accused Products (Must Be At Least 6 Weeks Before Close of Fact Discovery (Order No. 3))	May 23, 2023
Date for Parties to notify Chambers of the names of all non-parties or third-parties that are known to have discoverable information – send to McNamara337@usitc.gov (Must happen before the first Discovery Management Teleconference per Order No. 3)	May 23, 2023
Respondents File Notice of Prior Art (This should be limited at the outset to no more than 10 pieces of prior art per patent including combinations, with the expectation that the number will be reduced to no more than 3-4 pieces per patent by the close of fact discovery)	May 24, 2023
Initial deadline for responses to contention interrogatories on issues for which the responding party bears the burden of proof[1]	May 24, 2023
File Identification of Expert Witnesses, which should include a statement of their Expertise in the subject matter together with Curriculum Vitae	May 25, 2023
Staff Serves Its Proposed Construction of Disputed Claim Terms	May 25, 2023
File Tentative List of Witnesses a Party will call to testify at the Evidentiary Hearing, with an identification of each Witness's relationship to the party	May 25, 2023
Management Conference (To discuss potential discovery issues/timing, any relevant corollary proceedings) (Likely on Webex)	**May 25, 2023 2:00 p.m.**
Parties Meet and Confer to Attempt to Limit Claim Terms and Claim Term Disputes and Regarding Whether Any Party Intends to Use an Expert for *Markman* Purposes	May 26, 2023

[1] Complainant and Staff proposed to add this event and date.

Event	Adopted Date(s)
File Joint Claim Construction Chart	May 30, 2023
Deadline to File *Markman* Hearing Proposals (Including Final Proposed *Markman* Exhibit Lists) (Same Date as Joint Claim Construction Chart Filing (Order No. 3)	May 30, 2023
Parties to Exchange Proposed *Markman* Exhibit Lists and Exhibits (Except for Expert Declarations and Demonstratives) (GR 1.14.3.1)	June 2, 2023
Private Parties File *Markman* 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)	June 6, 2023
Initial deadline for responses to contention interrogatories on issues for which the responding party does not bear the burden of proof[2]	June 9, 2023
Submit Discovery Committee Report (GR 3.1.1)	**June 9, 2023**
Staff Files *Markman* Brief with Proposed Constructions of Disputed Claim Terms and Explanation of its Initial Claim Constructions	June 13, 2023
Deadline for any claim construction depositions	June 16, 2023
Technology Stipulation Deadline	June 16, 2023
Date for Parties to File *Markman* Pre-Hearing Statements including final proposed *Markman* exhibit lists (GR 1.14.2 and 1.14.3.1)	June 16, 2023

[2] Complainant and Staff proposed to add this event and date.

Event	Adopted Date(s)
Markman Hearing (If Ordered) & Management Conference[3]	**Week of June 20, 2023**
Date for parties to submit final *Markman* exhibits to ALJ (GR 1.14.4.3)	June 27, 2023
File Joint Chart Setting Forth Parties' Post-Hearing Claim Constructions (GR 1.14)	June 29, 2023
Cut-off date for supplements to contention interrogatories on issues for which the responding party bears the burden of proof	June 29, 2023
Cut-off date for supplements to contention interrogatories on issues for which the responding party does not bear the burden of proof	July 10, 2023
Submit Discovery Committee Report (GR 3.1.1)	**July 10, 2023**
Last Day to File Motions to Compel Discovery (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)	July 12, 2023
Fact Discovery Cutoff and Completion (This includes identification of Tests/Surveys/Data) (No extensions without Leave) (Note: this means that all fact contentions on infringement and invalidity have been exchanged and completed)	**July 12, 2023**
File Initial Expert Reports	July 18, 2023
Management Conference (Likely on Webex)	**July 27, 2023**
File Rebuttal Expert Reports	August 1, 2023

[3] A Management Conference will be held at the conclusion of the *Markman* Hearing, time permitting. Alternatively, a Management Conference will be held on June 26, 2023 at 2:00 pm.

Event	Adopted Date(s)
Submit Discovery Committee Report (GR 3.1.1)	**August 10, 2023**
Expert Discovery Cutoff and Completion (No extensions without Leave)	**August 15, 2023**
Date for the parties to file on EDIS and submit to the Administrative Law Judge at McNamara337@usitc.gov, one copy of a statement stating its position on whether or not it intends to offer into evidence any parts of their expert reports as part of a motion, or for any other purpose permitted under the rules (GR 8.5)	August 28, 2023
Management Conference (Likely on Webex)	**August 29, 2023**
Last Day to file Summary Determination Motions	**September 1, 2023**
Parties Exchange Hearing Direct Exhibit Lists (Most likely, Tentative)	September 6, 2023
Parties Exchange Hearing Direct Exhibits[4]	September 11, 2023
Parties Exchange Hearing Rebuttal Exhibit Lists (Most likely, Tentative)	September 13, 2023
Parties Exchange Hearing Rebuttal Exhibits	September 15, 2023
Complainant and Respondents file Pre-Hearing Statements and Pre-Hearing Briefs	September 19, 2023
Last day to file Motions *in Limine* ("MIL") (Complainant and Staff are each limited to no more than two (2) MILs and HPOs in combination, and Respondents are limited to no more than three (3) MILs and HPOs in combination) without Leave	**September 29, 2023**

[4] The Parties agree that demonstrative exhibits will not be exchanged on this date, but will be provided in a mutually agreed upon procedure to be memorialized in the Parties' October 27, 2023 stipulation regarding the exchange of demonstratives.

Event	Adopted Date(s)
Last day to file High Priority Objections ("HPO") (*See* note for MIL)	**September 29, 2023**
Staff files Pre-Hearing Statement and Pre-Hearing Brief	October 3, 2023
File Responses to Motions *in Limine*	**October 6, 2023**
File Responses to High Priority Objections	**October 6, 2023**
Parties file Joint Outline of Issues from Pre-Hearing Briefs (GR 7.3)	October 10, 2023
Attendance at One-day Mediation Session	By October 12, 2023
Submission of Mediation Report	Within 7 days of Mediation
File Motions for Receipt of Evidence Without a Witness	October 23, 2023
Submission of Declarations Justifying Confidentiality of Exhibits	October 27, 2023
File on EDIS any Stipulations Regarding Exchange of Demonstratives for Evidentiary Hearing and Any Other Stipulations into Which the Parties Enter	October 27, 2023
Pre-Hearing Conference (There May Be One or More Conferences Before to Resolve MILS or Other Issues)	**November 1, 2023**
Evidentiary Hearing (Starting with Tutorials, as Parties Propose)	**November 1-3, 6-7, 2023**
Last Day to submit Final Exhibits to Box. All Exhibits should be properly labeled (Follow the Ground Rules and Docket Requirements)	**November 13, 2023**
Staff to file Post-hearing Notice of any changes of position (GR 10.1)	November 14, 2023
The Private Parties' Replies to any Staff GR 10.1 Notice of change of positions (GR 10.1)	November 21, 2023

Event	Adopted Date(s)
Complainant and Respondents file Initial Post-Hearing Briefs (Only on Issues for Which The Party Bears The Burden Of Proof) and Final Exhibit Lists.	November 29, 2023
Staff files Initial Post-Hearing Brief	December 6, 2023
Complainant and Respondents file Reply Post-Hearing Briefs (Only on Issues Discussed in the Initial Post-Hearing Brief of an Opposing Party).	December 12, 2023
Staff files Reply Post Hearing Brief	December 19, 2023
Parties File Outline of Issues, Tracing Arguments from Pre-Hearing Through Post-Hearing Reply Briefs (Include Arguments That Have Been Dropped, GR 7.3)	December 20, 2023
Final ID due	**April 4, 2024**
Target Date	**August 6, 2024**

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the parties listed have entered an appearance in the above captioned investigation, and a copy of the PUBLIC CERTIFICATE OF SERVICE was served upon the following parties via first class mail and air mail where necessary.

Document	Security	Document Type	Official Rec'd Date	Title
795038	Public	Order	04/27/2023 01:52 PM	Adopted Procedural Schedule

Service Date: April 27, 2023

/s/

Lisa R. Barton
U.S. International Trade Commission
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CERTIFICATE OF SERVICE

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