

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

In the Matter of

**CERTAIN HYDRODERMABRASION
SYSTEMS AND COMPONENTS
THEREOF**

Inv. No. 337-TA-1408

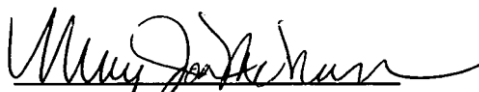
ORDER NO. 5: ADOPTED PROCEDURAL SCHEDULE

(August 6, 2024)

Pursuant to Order No 4, Complainant HydraFacial LLC f/k/a Edge Systems LLC (“HydraFacial” or “Complainant”) and Respondents Cartessa Aesthetics, LLC and Eunsung Global Corp. (collectively, “Respondents” and, with HydraFacial, “the Parties”) submitted a Joint Proposed Procedural Schedule (“JPPS”). (EDIS Doc. ID No. 827959.). The Parties proposed certain dates that were left open for them to choose. The Parties agreed on most dates. But, as reflected in Exhibit A to their Joint Proposed Procedural Schedule, the Parties disagree on the deadline for HydraFacial to submit its Notice of Patent Priority Dates/Dates of Conception, the deadline for Responses to Contention Interrogatories, the deadline for Respondents to file their Notice of Prior Art, and the deadline for Exchange of Initial Expert Reports. (JPPS at 1-2, Ex. A.).

With respect to the disputed dates, I agree with Respondents’ proposed dates and hereby adopt Respondents’ proposal. The remaining dates, which the Parties agree on, are hereby adopted. The Adopted Procedural Schedule in effect in this Investigation is attached as Exhibit A to this Order.

SO ORDERED.


MaryJoan McNamara
Administrative Law Judge

ATTACHMENT A TO ORDER NO. 5

Inv. No. 337-TA-1408

ADOPTED PROCEDURAL SCHEDULE

Event	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	July 31, 2024
Parties file their Proposed Procedural Schedule and identify USPTO/PTO Proceedings as well as State and Federal Litigation that is relevant to this Investigation	July 31, 2024
Complainants File Notice of Patent Priority Dates/Dates of Conception	August 12, 2024
Deadline for Disclosure of Domestic Industry Products (Per Ground Rule 1.13)	August 30, 2024
Management Conference (To discuss potential discovery issues/timing, any relevant corollary proceedings) (Likely on Webex)	September 4, 2024 2:00 p.m.
File Identification of Expert Witnesses, which should include a statement of their Expertise in the subject matter together with Curriculum Vitae	September 20, 2024
Parties Exchange List of Patent Claim Terms for Construction	September 20, 2024
Deadline for Having Identified ALL Accused Products and/or Representative Accused Products	October 3, 2024

Inv. No. 337-TA-1408, Order No. 5
Adopted Procedural Schedule

Event	Date(s)
Initial Deadline to Respond to Contention Interrogatories for Party that Bears the Burden of Proof	October 4, 2024
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)	October 4, 2024
Complainants and Respondents provide Each Other with Their Proposed Construction of Disputed Claim Terms	October 4, 2024
Parties Meet and Confer to Attempt to Limit Claim Terms and Claim Term Disputes	October 11, 2024
Management Conference (Likely on Webex)	October 16, 2024 2:00 p.m.
Parties to Exchange Proposed <i>Markman</i> Exhibit Lists and Exhibits (Except for Expert Declarations and Demonstratives) (Per Ground Rule 1.14.3.1)	October 25, 2024
Initial Deadline to Respond to Contention Interrogatories for Party that Does Not Bear the Burden of Proof	October 30, 2024
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)	November 7, 2024
File Joint Claim Construction Chart	November 8, 2024
Deadline to File <i>Markman</i> Hearing Proposals (Including Final Proposed <i>Markman</i> Exhibit Lists)	November 8, 2024

Event	Date(s)
Fact Discovery Cutoff and Completion (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>)	November 14, 2024 ¹
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	November 14, 2024
Management Conference (Likely on Webex)	December 10, 2024 2:00 p.m.
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)	December 6, 2024
<i>Markman</i> Hearing (If Ordered) & Management Conference	Week of January 10 2025
Exchange of Initial Expert Reports (Send copies to McNamara337@usitc.gov)	January 10, 2025
File Joint Chart Setting Forth Parties' Post-Hearing Claim Constructions (Per Ground Rule 1.14)	January 15, 2025
Exchange of Rebuttal Expert Reports (Send copies to McNamara337@usitc.gov)	January 24, 2025

¹ Respondents' request for clarification is noted. This deadline for fact discovery properly balances the needs of the Parties to conduct complete discovery, the interest in having fact discovery concluded sufficiently in advance of the *Markman* hearing, to have the *Markman* hearing sufficiently in advance of the close of expert discovery, and to avoid having expert discovery extend past the deadline for summary determination motions. The Parties will have the benefit of a more fully developed record for their summary determination motions.

Inv. No. 337-TA-1408, Order No. 5
Adopted Procedural Schedule

Event	Date(s)
Attendance at One-day Mediation Session ²	By February 1, 2025
Last Day to file Summary Determination Motions	February 7, 2025
Expert Discovery Cutoff and Completion (No extensions without Leave)	February 7, 2025
Submission of Mediation Report	Within 7 days of Mediation
Management Conference (Likely on Webex)	February 12, 2025 2:00 p.m.
Technology Stipulation Deadline	February 28, 2025
Parties Exchange Hearing Exhibit Lists (Most likely, Tentative)	February 28, 2025
File Motions for Receipt of Evidence Without a Witness	March 7, 2025
Complainants and Respondents file Pre-Hearing Statements and Pre-Hearing Briefs	March 12, 2025
Last day to file Motions <i>in Limine</i> (“MIL”) (Complainants are limited to no more than two (2) MILs and HPOs in combination, and Respondents are limited to no more than two (2) MILs and HPOs in combination) without Leave)	March 12, 2025
Last day to file High Priority Objections (“HPO”) (See note for MIL)	March 12, 2025
Submission of Declarations Justifying Confidentiality of Exhibits	March 14, 2025

² 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>.

Inv. No. 337-TA-1408, Order No. 5
Adopted Procedural Schedule

Event	Date(s)
Parties file Joint Outline of Issues from Pre-Hearing Briefs (Per Ground Rule 7.3)	March 17, 2025
File Responses to Motions <i>in Limine</i>	March 19, 2025
File Responses to High Priority Objections	March 19, 2025
File on EDIS any Stipulations Regarding Exchange of Demonstratives for Evidentiary Hearing and Any Other Stipulations into Which the Parties Enter	April 8, 2025
Pre-Hearing Conference (There May Be One or More Conferences Before to Resolve MILS or Other Issues)	April 9, 2025
Evidentiary Hearing (Starting with Tutorials, as Parties Propose)	April 9-11, April 14, 15, 2025
Last Day to submit Final Exhibits to Box. All Exhibits should be properly labeled (Follow the Ground Rules and Docket Requirements)	April 25, 2025
Complainants and Respondents file Initial Post-Hearing Briefs (Only on Issues for Which the Party Bears the Burden of Proof) and Final Exhibit Lists	May 7, 2025
Complainants and Respondents file Reply Post-Hearing Briefs (Only on Issues Discussed in the Initial Post-Hearing Brief of an Opposing Party)	May 14, 2025
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)	May 30, 2025

Inv. No. 337-TA-1408, Order No. 5
Adopted Procedural Schedule

Event	Date(s)
Final ID due	August 17, 2025
Target Date	December 17, 2025

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	Title
828735	Public	Order	08/06/2024 03:49 PM	Adopted Procedural Schedule

Service Date: August 06, 2024

/s

Lisa R. Barton
U.S. International Trade Commission
500 E Street, S.W.
Suite 112
Washington, D.C. 20436

CERTIFICATE OF SERVICE

On behalf of Complainant HydraFacial LLC f/k/a Edge Systems
LLC:

Ali Razai, Lead Representative
Knobbe Martens Olson & Bear LLP
2040 Main Street 14th Floor
Irvine, California 92614, United States
9497600404 -- voice
949.760.9502 -- fax
2azr@knobbe.com
Electronic Service

On behalf of Respondent Eunsung Global Corp.:

Lauren A. Degnan, Lead Representative
Fish & Richardson P.C. - DC
1000 Maine Ave, S.W.
Suite 1000
Washington, District of Columbia 20024, United States
303.607.3500 -- voice
202-783-2331 -- fax
degnan@fr.com
Electronic Service

On behalf of Respondent Cartessa Aesthetics, LLC:

Ric Macchiaroli, Lead Representative
Pillsbury Winthrop Shaw Pittman LLP
7900 Tysons One Place
Suite 500
Tysons, Virginia 22102, United States
1.202.739.5534 -- voice
212-858-1500 -- fax
ric.macchiaroli@pillsburylaw.com
Electronic Service