

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN OUTDOOR AND SEMI-
OUTDOOR ELECTRONIC DISPLAYS,
PRODUCTS CONTAINING SAME,
AND COMPONENTS THEREOF**

Inv. No. 337-TA-1331

**ORDER NO. 5: SETTING TARGET DATE AND HEARING DATES; ORDERING
SUBMISSION OF PROPOSED PROCEDURAL SCHEDULE**

(October 20, 2022)

The above-captioned investigation was instituted upon publication of the Commission's Notice of Investigation in the *Federal Register* on Friday, September 23, 2022. 87 Fed. Reg. 58132-33 (EDIS Doc. ID 780930). Pursuant to Order No. 3 (Sept. 26, 2022), Complainant Manufacturing Resources International, Inc. ("MRI") and Respondents Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung SDS Co. Ltd., and Samsung SDS America, Inc. ("Samsung" or the "Samsung Respondents"), Respondent Coates Signco Pty Limited and Coates Visual LLC ("Coates"), and Respondent Industrial Enclosures Corporation d/b/a Palmer Digital Group ("Palmer") submitted a joint statement regarding scheduling and discovery (the "Joint Submission") on October 14, 2022.

The parties jointly propose a target date of Monday, January 22, 2024, which is approximately 16 months from the date of institution.¹ The undersigned hereby adopts the parties' proposed target date. In accordance with Commission Rule 210.42(a)(1)(i), the initial

¹ A 16-month target date would have been Tuesday, January 23, 2024, but the parties' proposed target date is one day earlier to avoid setting a deadline for issuing the initial determination that would fall on a weekend day.

determination on alleged violation of section 337 shall be due by Friday, September 22, 2023.

19 C.F.R. § 210.42(a)(1)(i).

The parties' joint submission identifies potential scheduling conflicts for the attorneys involved in this investigation with respect to hearings, identifying conflicts for Complainant's counsel on one date in January 2023, one week in early June 2023 and conflicts for Respondents' counsel on certain days in January 2023 and February 2023. Joint Submission at 1-2.

Respondents contend that a *Markman* hearing is necessary in this investigation in view of infringement and validity issues that are related to the scope of the claims. *Id.* at 2. Complainant submits that a *Markman* hearing is not necessary. *Id.*²

In consideration of the parties' submissions, a *Markman* hearing shall be held on Wednesday, March 1, 2023. The evidentiary hearing shall be held during the week of June 26-30, 2023, with a prehearing conference on Friday, June 23, 2023.

The parties shall confer with each other to agree on a Procedural Schedule for this investigation, taking into account the above-identified hearing dates and identifying dates for each of the events listed in Ground Rule 2. The Procedural Schedule must include a date for one mandatory mediation (which will not include the undersigned) at a time, date, and location of the parties' choosing for the exploration of settlement, by persons of requisite authority, of some or all of the issues in the case. The Procedural Schedule shall be submitted no later than the close of business on Friday, November 4, 2022. The submission shall be made by email to

² The Joint Submission includes a proposal by Complainant with respect to the NEXT Advocates Program set forth in Ground Rule 14, proposing that arguments in discovery teleconferences be excluded from the limit of "three or fewer substantive oral arguments." Joint Submission at 13. The undersigned will not modify Ground Rule 14, but the parties may seek clarification about whether an argument was a "substantive" oral argument.

Bhattacharyya337@usitc.gov in a Word document and need not be filed with the Commission Secretary.

SO ORDERED.



Monica Bhattacharyya
Administrative Law Judge