

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN HIGH-STRENGTH ALUMINUM
OR ALUMINUM ALLOY-COATED STEEL,
AND AUTOMOTIVE PRODUCTS AND
AUTOMOBILES CONTAINING SAME**

Inv. No. 337-TA-1402

ORDER NO. 11: AMENDING PROCEDURAL SCHEDULE

(September 27, 2024)

On September 27, 2024, pursuant to the Procedural Schedule, Complainant ArcelorMittal and Respondents VinFast Auto Ltd., VinFast Auto, LLC, VinFast USA Distribution, LLC, Vingroup USA, LLC, and VinFast Trading and Production JSC (collectively, “Respondents”) submitted a joint status report on the necessity of *Markman* proceedings (EDIS Doc. ID 833518; “Joint Submission”) and an associated joint motion to amend the procedural schedule (Mot. Dkt. No. 1402-007; “Motion”). The Joint Submission states that “the parties do not believe a *Markman* Hearing is required because the parties’ two remaining disputes relate solely to indefiniteness (i.e., invalidity).” Joint Submission at 1. The parties jointly propose certain agreed constructions, Joint Submission at 2, and “move to amend the Procedural Schedule” to “remove[] the claim construction briefing, technology tutorial, and *Markman* hearing and associated deadlines,” Mot. at 2. The parties “propose addressing the two indefiniteness issues below during expert discovery and then either as part of summary determination and/or at or after the evidentiary hearing.” Joint Submission at 1.

Based on the parties’ Joint Submission, it appears that the parties propose that their experts will address the two remaining indefiniteness arguments. *See* Joint Submission at 1. The

undersigned's Ground Rules contemplate resolution of indefiniteness that relies on expert opinion on a complete record. *See* Ground Rule 6.1 ("To the extent the parties identify terms for the Markman hearing that any party contends are indefinite based in substantial part on expert opinion, it is likely that resolution may be deferred until a complete record has been presented (e.g., on summary determination or after the evidentiary hearing)."). Consistent with that practice, and the unopposed request of the parties, the undersigned finds that it is appropriate to defer resolution of the parties' indefiniteness disputes, which also obviates the need for a *Markman* hearing and associated deadlines. *See* Joint Submission; Mot. The undersigned accordingly GRANTS the parties' joint motion; the Procedural Schedule is amended to remove the following deadlines:

Exchange of initial expert reports (if any) on claim construction issues	October 2, 2024
Initial <i>Markman</i> Briefs	October 2, 2024
Exchange of rebuttal expert reports (if any) on claim construction issues	October 23, 2024
Rebuttal <i>Markman</i> Briefs	October 23, 2024
Technology Tutorial and <i>Markman</i> Hearing	November 8, 2024
File updated joint proposed claim construction chart	November 12, 2024

SO ORDERED.


Monica Bhattacharyya
Administrative Law Judge