

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

**Before the Honorable Monica Bhattacharyya
Administrative Law Judge**

In The Matter Of

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

Investigation No. 337-TA-1402

JOINT, UNOPPOSED MOTION TO AMEND PROCEDURAL SCHEDULE

Pursuant to 19 C.F.R. § 210.15 and the Ground Rules, Complainant ArcelorMittal S.A. (“Complainant”) and Respondents VinFast Auto Ltd., VinFast Auto, LLC, VinFast USA Distribution, LLC, Vingroup USA, LLC, and VinFast Trading and Production JSC (collectively, “Respondents”) hereby respectfully submit this motion to amend the Procedural Schedule (Order No. 7) to modify the claim construction schedule since the parties’ remaining disputes relate only to indefiniteness.

Ground Rule 3.2 Certification

Pursuant to Ground Rule 3.2, the parties met and conferred and agreed to the relief sought herein.

Motion

The parties respectfully move to amend the Procedural Schedule as follows, which removes the claim construction briefing, technology tutorial, and *Markman* hearing and associated deadlines:

Event	Date
Joint status report outlining whether a <i>Markman</i> hearing is required	September 30, 2024
~~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~~
File joint proposed claim construction chart	November 1, 2024
File Joint Technology Stipulation	November 1, 2024
File notice of prior art	November 1, 2024
Cut-off date for supplements to contention interrogatories on issues for which the responding party bears the burden of proof, and on public interest issues (if applicable)	November 1, 2024
~~Technology Tutorial and <i>Markman</i> Hearing~~	~~November 8, 2024~~
~~File updated joint proposed claim construction chart~~	~~November 12, 2024~~
Cut-off date for supplements to contention interrogatories on issues for which the responding party does not bear the burden of proof	November 15, 2024
Fact discovery cutoff and completion	November 15, 2024

Deadline for motions to compel fact discovery	November 20, 2024
Exchange of initial expert reports (identify tests/surveys/data)	November 22, 2024
Exchange of rebuttal expert reports	December 11, 2024
File tentative list of witnesses a party will call to testify at the hearing, with an identification of each witness' relationship to the party	December 13, 2024
Deadline by which parties must have completed attendance at one-day mediation session	December 20, 2024
Deadline to file requests for remote witness testimony	December 20, 2024
Expert discovery cutoff and completion	December 23, 2024
Joint Mediation Report	By December 25, 2024
Deadline for motions to compel expert discovery	December 30, 2024
Deadline to file responses to requests for remote witness testimony	January 3, 2025
Deadline for filing summary determination motions	January 8, 2025
Exchange of exhibit lists among the parties	January 13, 2025
Exchange proposed direct exhibits, with physical exhibits available – Complainant(s) and Respondent(s)	January 16, 2025
Exchange proposed rebuttal exhibits, with physical exhibits available – all parties	January 22, 2025
File pre-hearing statements and briefs – Complainant(s) and Respondent(s)	January 24, 2025
File requests for receipt of evidence without a sponsoring witness	February 7, 2025
Deadline to file motions in limine	February 7, 2025

Deadline to file high priority objections statement	February 7, 2025
File responses to requests for receipt of evidence without a sponsoring witness	February 14, 2025
Submit proposed exhibits to Administrative Law Judge	February 14, 2025
File responses to motions in limine	February 14, 2025
File responses to high priority objections statement	February 14, 2025
Pre-hearing conference	February 28, 2025
Hearing	March 3-7, 2025
File initial post-hearing briefs and exhibit lists and submit final exhibits	March 28, 2025
File reply post-hearing briefs	April 11, 2025
Initial Determination	June 23, 2025
Target date for completion of investigation	October 23, 2025

Good cause exists to grant the instant relief. The parties have worked diligently to narrow disputes implicating claim construction. There are only two remaining disputes, and both concern allegations of indefiniteness (i.e., invalidity). As noted in the Ground Rules, the resolution of a dispute over indefiniteness is likely to be deferred until a complete record has been presented. *See* Ground Rule 6.1. As a result, the parties respectfully submit that it would conserve resources to defer determination of whether the two disputed terms (“layer” and “level”) are indefinite until a complete record has been developed. Specifically, the parties propose addressing the two indefiniteness disputes during expert reports, and then either as part of summary determination and/or at or after the evidentiary hearing. By doing so, the parties can avoid burdening the ALJ with claim construction briefing that may be supplemented and/or superseded by subsequent

expert discovery. This process will also streamline the dispute for the parties, as it will reduce the number of expert reports, briefs, and expert depositions required for the matter.

Aside from removing the deadlines related to claim construction, the parties' proposed amendments do not affect any other deadline, including the hearing date, and target date. Accordingly, the parties, the Commission, and the public interest will not be prejudiced by the modifications proposed herein. Thus, the parties respectfully request that the instant motion be granted.

Dated: September 27, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Michael Delaney, certify that on September 27, 2024, a copy of the **JOINT, UNOPPOSED MOTION TO AMEND PROCEDURAL SCHEDULE** was served, pursuant to Commission regulations, on the following interested parties in the manner so indicated:

The Honorable Monica Bhattacharyya Administrative Law Judge U.S. International Trade Commission 500 E Street, S.W. Washington, DC 20436	<i>Via E-mail:</i> <i>Bhattacharyya337@usitc.gov</i>
<i>Counsel for Respondents VinFast Auto Ltd., VinFast Auto LLC, VinFast USA Distribution, LLC, Vingroup USA, LLC, and VinFast Trading and Production JSC:</i> Michael J. McKeon Joseph V. Colaianni Linhong Zhang Sangki Park April Sunyoung Park Jack R. Wilson Daniel Y. Lee Irene Hwang FISH & RICHARDSON P.C. 1000 Maine Avenue, S.W., Suite 1000 Washington, D.C. 20024 Telephone: (202) 783-5070 Brian P. Boyd FISH & RICHARDSON P.C. 1180 Peachtree St SE, Suite 2100 Atlanta, GA 30309 Telephone: (404) 892-5005	<i>Via E-mail:</i> <i>ServiceVinFastArcelorMittalITC@fr.com</i>

/s/ Michael Delaney
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