**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

| **In the Matter of**<br><br>**CERTAIN AUTOMATED STORAGE AND RETRIEVAL SYSTEMS, ROBOTS, AND COMPONENTS THEREOF** | **Inv. No. 337-TA-1228** |
|---|---|

**ORDER NO. 21: AMENDING GROUND RULES AND PROCEDURAL SCHEDULE REGARDING PRE-HEARING SUBMISSIONS**

(June 10, 2021)

Pursuant to the procedural schedule, Order No. 4 (Dec. 4, 2020), direct exhibits are due to be exchanged on Tuesday, June 15, 2021, and rebuttal exhibits are due to be exchanged on Thursday, July 1, 2021.[1] Ground Rules 8 and 9 govern the exchange of exhibits and pre-hearing submissions in this investigation. *See* Order No. 2 at 18-29 (Nov. 3, 2020). To conform with the procedures in other investigations before the undersigned, these rules shall be amended as set forth herein.

Ground Rule 9.3.1.3 is amended to remove the page number limit for witness statements.[2]

The Ground Rules and procedural schedule are hereby amended to require the parties to file lists of their objections to direct exhibits and rebuttal exhibits, including witness statements.

[1] Pursuant to Ground Rule 9.4.1, these are also the deadlines for witness statements and outlines. Order No. 2 at 22-23. In addition, the direct exhibit deadline is the deadline for filing requests for receipt of evidence without a sponsoring witness and for designating deposition transcripts. *Id*. at 25-26 (Ground Rules 9.4.11 and 9.4.12.1).

[2] Respondents' Motion to Increase Witness Statement Page Limits (1228-013) is hereby DENIED as moot.

The deadline for filing objections to direct exhibits shall be Tuesday, June 22, 2021. Responses to these objections shall be filed by Tuesday, June 29, 2021. The deadline for filing objections to rebuttal exhibits shall be Thursday, July 8, 2021. Responses to these objections shall be filed by Thursday, July 15, 2021. Objections that are not timely filed shall be waived.

The deadline for filing motions *in limine* is Wednesday, July 7, 2021. The Ground Rules are hereby amended to increase the limitation on the number of motions *in limine* to a maximum of ten (10) motions from each side. Responses to motions *in limine* are due on Friday, July 16, 2021. No reply briefs shall be filed.

The deadline for filing high priority objections is extended to Monday, July 19, 2021. The Ground Rules are hereby amended to limit each side to ten (10) high priority objections, and these objections shall be selected from the previously filed objections to direct and rebuttal exhibits. The deadline for filing responses to high priority objections shall be extended to Friday, July 23, 2021.

Pre-hearing statements and briefs are due on Wednesday, July 14, 2021. The deadline for submitting proposed exhibits shall be extended to Wednesday, July 21, 2021.

The pre-hearing conference will begin at 9:00 AM on Monday, August 2, 2021, and the hearing is scheduled to proceed the week of August 2-August 6, 2021. The hearing is expected to be held using the Cisco WebEx platform, and additional Ground Rules shall issue regarding the conduct of the hearing.

In accordance with the amendments discussed herein, the remaining deadlines in the procedural schedule are set forth below:

| EVENT | DATE |
|---|---|
| Second settlement conference | Wednesday June 9, 2021 |
| Submission of second settlement conference joint report | Tuesday, June 15, 2021 |
| Exchange proposed direct exhibits (including witness statements and witness outlines), with physical and demonstrative exhibits available | Tuesday, June 15, 2021 |
| File objections to direct exhibits | Tuesday, June 22, 2021 |
| File responses to objections to direct exhibits | Tuesday, June 29, 2021 |
| Exchange proposed rebuttal exhibits (including witness statements and witness outlines), with physical and demonstrative exhibits available | Thursday, July 1, 2021 |
| Exchange designated deposition transcripts *in lieu* of cross-examination[3] | Monday, June 28, 2021 |
| Deadline for filing motions *in limine* | Wednesday, July 7, 2021 |
| Counter-designate deposition transcripts *in lieu* of cross-examination[3] | Wednesday, July 7, 2021 |
| Cutoff for *de bene esse* depositions[4] | Wednesday, July 7, 2021 |
| File objections to rebuttal exhibits | Thursday, July 8, 2021 |
| File pre-hearing statements and briefs | Wednesday, July 14, 2021 |
| File response to objections to rebuttal exhibits | Thursday, July 15, 2021 |
| Deadline for responses to motions *in limine* | Friday, July 16, 2021 |
| File high priority objections statement | Monday, July 19, 2021 |
| Submit proposed exhibits to Administrative Law Judge | Wednesday, July 21, 2021 |
| File response to high priority objections statement | Friday, July 23, 2021 |
| **Pre-Hearing Conference** | **Monday, Aug. 2, 2021** |
| **Hearing** | **Aug. 2-Aug. 6, 2021** |
| File initial post-hearing briefs and final exhibit lists | Friday, Aug. 20, 2021 |
| File reply post-hearing briefs | Friday, Sept. 3, 2021 |

[3] Pursuant to Ground Rule 9.4.12.2, deposition designations in *lieu* of cross-examination will only be admitted upon agreement of the parties. Order No. 2 at 26.

[4] Pursuant to Ground Rule 9.4.12.3, *de bene esse* depositions will only be conducted upon agreement of the parties. Order No. 2 at 26.

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| **Initial Determination due** | **Friday, Nov. 5, 2021** |
| **Target date for completion of investigation** | **Monday, March 7, 2022** |

**SO ORDERED.**

Charles E. Bullock
Chief Administrative Law Judge

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served to the following parties as indicated, on **June 10, 2021.**

Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

**On Behalf of Complainants AutoStore Technology AS, AutoStore AS, and AutoStore System Inc.:**

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**On Behalf of Respondents Ocado Group PLC, Ocado Central Services Ltd., Ocado Innovation Ltd., Ocado Operating Ltd., Ocado Solutions, Ltd., Ocado Solutions USA Inc., Tharsus Group Ltd., and Printed Motor Works, Ltd.:**

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