UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of **CERTAIN FOREIGN-FABRICATED SEMICONDUCTOR DEVICES, PRODUCTS CONTAINING THE SAME, AND COMPONENTS THEREOF**	**Inv. No. 337-TA-1443**

ORDER NO. 10: PROCEDURAL SCHEDULE

(May 7, 2025)

Pursuant to Order No. 9 (April 23, 2025), the parties and Commission Investigative Staff ("Staff") submitted a Joint Proposed Procedural Schedule on May 5, 2025, which is attached hereto as Attachment A.[1] The Private Parties and Staff identified two areas of disagreement as to (1) the deadline for the Notice of Prior Art ("NOPA") and (2) deadlines for substantial completion of production of documents and things; the proposed schedule otherwise generally complies with the Ground Rule 2, with the exception of the omission of a deadline for responses to requests for remote witness testimony and a deadline for disclosure of expert witnesses, which have been added.

As to the deadline for the Notice of Prior Art, Complainants seek to set the deadline on June 6, 2025, while Staff and Respondents propose a deadline of September 24, 2025. Complainants state that an early deadline is "more consistent with typical schedules at the ITC" and that waiting until September would "subvert the whole purpose of the NOPA, which is to provide Complainants with an early identification of prior art . . . so that Complainants are afforded the opportunity to seek fact discovery during the ITC's compressed fact discovery

[1] The Private Parties and Staff by email to chambers jointly requested—and received—permission to submit the proposed procedural schedule on May 5, 2025.

TSMC EXHIBIT 1108
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period." Proposed Procedural Schedule at 2. Respondents and Staff, in response, contend that the June 6, 2025 deadline is unreasonably early in discovery and prejudicial to Staff and Respondents. *Id.* at 3-4. Respondents and Staff also note that the September deadline is consistent with the order of events contemplated by Ground Rule 2.

Upon review of the submissions of the parties, the undersigned adopts the Notice of Prior Art deadline of September 24, 2025 proposed by Staff and Respondents, which follows the order of events contemplated by Ground Rule 2.

As to a substantial completion deadline, Complainants seek (a) a deadline of June 16, 2025 for substantial completion of discovery responses and document productions in response to RFPs and responses to non-contention ROGs / RFAs served before May 5, 2025; and (b) a cutoff for supplementation of burden contentions only applying to discovery received from Respondents on or before August 25, 2025, which is one month prior to the cutoff date on September 25, 2025. *Id.* at 4-5. Complainants contend that these deadlines "will aid in streamlining of discovery and early resolution of discovery disputes." *Id.* at 5. Complainants state that Respondents TSMC has "refused to provide Complainants with any indication of when it will begin producing any of the key technical documents, such as process flows, recipes, or technical presentations (such as 'training guides')" in the investigation. *Id.* Respondents oppose a substantial completion deadline and state that an additional deadline is unnecessary and will cause, rather than prevent, discovery disputes. *Id.* at 6. Respondents also object to the timing of Complainants' proposal, which Respondents contend was not identified until May 5, 2025. Respondents also object to the proposed limit on responses to contention interrogatories, and contend that Ground Rule 4.4.2 lays out the process for supplementation to contention interrogatories. *Id.* at 7. In Staff's view, the proposed deadline for substantial completion is four

months prior to the close of fact discovery, which is "untenable." *Id.* at 7-8. Staff further believes that the proposed limit to burden contention interrogatories is unnecessary. *Id.*

Upon review of the submissions of the parties, the undersigned declines to impose a substantial completion deadline at this time. However, to aid in an efficient discovery process, the parties should meet and confer regarding the timing of key document productions and should submit on June 16, 2025 a joint status report identifying (1) the status of the production of key document categories, including key technical documents; and (2) a description of any disputes concerning document production for which the parties anticipate requiring judicial intervention.[2] As to the proposed limitation on the responses to contention interrogatories, the undersigned declines to alter the event descriptions in Ground Rule 2; Ground Rule 4.4.2 provides the standard for amending responses to contention interrogatories.

The investigation shall proceed with the deadlines set forth below:

EVENT	DATE
File identification of expert witnesses, including their expertise and curriculum vitae	June 16, 2025
Joint Status Report on Document Discovery	June 16, 2025
Exchange list of claim terms to be construed (Private Parties)	June 19, 2025
Initial deadline for responses to contention interrogatories on issues for which the responding party bears the burden of proof, and on public interest issues (if applicable)	June 23, 2025
Exchange list of claim terms to be construed (Staff)	June 25, 2025
Exchange proposed claim constructions (Private Parties)	July 3, 2025
Exchange proposed claim constructions (Staff)	July 11, 2025

[2] Nothing in this Order affects the parties' ability to seek a discovery-related teleconference prior to that date pursuant to Ground Rule 3.4.1, if appropriate.

EVENT	DATE
Initial deadline for responses to contention interrogatories on issues for which the responding party does not bear the burden of proof	July 14, 2025
Meet and confer to discuss and limit number of disputed claim terms	July 24, 2025
File joint proposed claim construction chart	August 7, 2025
Exchange of initial expert reports (if any) on claim construction issues	August 21, 2025
Initial Markman Briefs (Private Parties)	August 21, 2025
Initial Markman Briefs (Staff)	August 28, 2025
Exchange of rebuttal expert reports (if any) on claim construction issues	September 8, 2025
Rebuttal Markman Briefs (all parties)	September 8, 2025
File Joint Technology Stipulation	September 11, 2025
Technology Tutorial and *Markman* Hearing	**September 19, 2025**
File updated joint proposed claim construction chart	September 23, 2025
File notice of prior art	September 24, 2025
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)	September 25, 2025
Cut-off date for supplements to contention interrogatories on issues for which the responding party does not bear the burden of proof	October 7, 2025
Fact discovery cutoff and completion	October 7, 2025
Deadline for motions to compel fact discovery	October 14, 2025
Exchange of initial expert reports (identify tests/surveys/data)	October 27, 2025
Deadline to file requests for remote witness testimony	November 11, 2025
Exchange of rebuttal expert reports	November 13, 2025

EVENT	DATE
Deadline to file responses to requests for remote witness testimony	November 18, 2025
File tentative list of witnesses a party will call to testify at the hearing, with an identification of each witness' relationship to the party	November 18, 2025
Attendance at one-day mediation session	November 25, 2025
Submission of joint report on mediation	Within 5 business days of mediation
Expert discovery cutoff and completion	November 26, 2025
Exchange of exhibit lists among the parties	December 1, 2025
Deadline for motions to compel expert discovery	December 2, 2025
Deadline for filing summary determination motions	December 2, 2025
Exchange proposed direct exhibits, with physical exhibits available —Complainant(s) and Respondent(s)	December 5, 2025
Exchange proposed direct exhibits, with physical exhibits available —Staff	December 5, 2025
Exchange proposed rebuttal exhibits, with physical exhibits available —all parties	December 9, 2026
File pre-hearing statements and briefs — Complainants and Respondents	December 11, 2025
File pre-hearing statement and brief – Staff	December 23, 2025
File requests for receipt of evidence without a sponsoring witness	January 7, 2026
Deadline to file motions *in limine*	January 9, 2026
Deadline to file high priority objections statement	January 9, 2026
File responses to requests for receipt of evidence without a sponsoring witness	January 14, 2026
Submit proposed exhibits to Administrative Law Judge	January 21, 2026
File responses to motions *in limine*	January 16, 2026
File responses to high priority objections statement	January 16, 2026

EVENT	DATE
Pre-hearing conference	**January 30, 2026**
Hearing	**February 2-6, 2026**
Parties file initial post-hearing briefs and exhibit lists and submit final exhibits	February 24, 2026
Parties File reply post-hearing briefs	March 10, 2026
Initial Determination	**May 29, 2026**
Target date for completion of investigation	**September 29, 2026**

SO ORDERED.

Monica Bhattacharyya
Administrative Law Judge