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September 21, 2012


Lisa R. Barton
Acting Secretary
U.S. International Trade Commission
500 E Street, S.W.
Washington, DC 20436

**Re: *Certain Wireless Consumer Electronics Devices and Components Thereof,*
Inv. No. 337-TA-853**

Dear Secretary Barton:

Enclosed for filing in the above-referenced investigation on behalf of Complainants is the **Joint Proposed Procedural Schedule** in the above-referenced investigation.

Respectfully submitted,



James C. Otteson

Enclosure

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

Before the Honorable E. James Gildea
Administrative Law Judge

In the Matter of

**CERTAIN WIRELESS CONSUMER
ELECTRONICS DEVICES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-853

JOINT PROPOSED PROCEDURAL SCHEDULE

Pursuant to Order No. 3 dated September 10, 2012, Complainants Technology Properties Limited LLC (“TPL”), Phoenix Digital Solutions LLC (“PDS”) and Patriot Scientific Corporation (“PTSC”) (collectively “Complainants”), Respondents Acer Inc. and Acer America Corporation (collectively “Acer”), Amazon.com, Inc. (“Amazon”), Barnes & Noble, Inc. (“B&N”), Garmin Ltd., Garmin International, Inc. and Garmin USA, Inc. (collectively “Garmin”), HTC Corporation and HTC America (collectively “HTC”), Huawei Technologies Co., Ltd. (“Huawei”), Kyocera Corporation and Kyocera Communications, Inc. (collectively “Kyocera”), LG Electronics, Inc. and LG Electronics U.S.A., Inc. (collectively “LG”), Nintendo Co., Ltd. and Nintendo of America, Inc. (collectively “Nintendo”), Novatel Wireless, Inc. (“Novatel”), Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively “Samsung”), Sierra Wireless, Inc. and Sierra Wireless America, Inc. (collectively “Sierra”), ZTE Corporation and ZTE (USA) Inc. (collectively “ZTE”) (all collectively “Respondents”) and the Commission Investigative Staff (“Staff”) submit the following proposed procedural schedule.

**CERTAIN WIRELESS CONSUMER ELECTRONICS
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| EVENT | PROPOSED DATE |
|---|--------------------------|
| Parties exchange list of patent claim terms for construction | October 5, 2012 |
| Deadline for first settlement conference | October 15, 2012 |
| File notice of patent priority dates | October 19, 2012 |
| Submission of first settlement conference joint report | October 19, 2012 |
| File notice of prior art | November 16, 2012 |
| Complainants and Respondents exchange and provide Staff their proposed construction of the disputed claim terms | November 30, 2012 |
| Deadline to file <i>Markman</i> hearing proposals | December 7, 2012 |
| Deadline for parties to meet and confer (including Staff) in an attempt to reconcile or otherwise limit disputed claim terms | December 7, 2012 |
| File identification of expert witnesses, including their expertise and curriculum vitae | December 7, 2012 |
| Parties submit a joint list showing each party's proposed construction of the disputed claim terms | December 21, 2012 |
| Technology Stipulation deadline | January 14, 2013 |
| File tentative list of witnesses a party will call to testify at the evidentiary hearing, with an identification of each witness' relationship to the party | January 18, 2013 |
| Deadline for initial contention interrogatory responses regarding issues on which the party bears the burden of proof | January 25, 2013 |
| Deadline for second settlement conference | January 28, 2013 |
| Submission of second settlement conference joint report | February 1, 2013 |
| Deadline for contention interrogatory responses regarding issues on which the party does not bear the burden of proof | February 15, 2013 |
| Fact discovery cutoff and completion | February 22, 2013 |
| Last day for motions to compel discovery | February 25, 2013 |

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| EVENT | PROPOSED DATE |
|---|---------------------------------------|
| Last day for filing summary determination motions | February 28, 2013 |
| Submission of statements regarding the use of witness statements in lieu of live direct testimony, and statements regarding whether any party intends to offer expert reports into evidence | March 1, 2013 |
| Exchange of initial expert reports on issues for which the party bears the burden of proof (identify tests/surveys/ data) | March 27, 2013 (30 days after MTC) |
| Exchange of rebuttal expert reports on issues for which the party does not bear the burden of proof | April 17, 2013 |
| Expert discovery cutoff and completion | May 1, 2013 |
| Exchange of exhibit lists among the parties | May 1, 2013 |
| Submit and serve direct exhibits (including witness statements), with physical and demonstrative exhibits available – Complainants and Respondents | May 3, 2013 |
| Submit and serve direct exhibits (including witness statements), with physical and demonstrative exhibits available -- Staff | May 6, 2013 |
| File Pre-hearing statements and briefs – Complainants and Respondents | May 7, 2013 |
| Last day to file motions <i>in limine</i> | May 7, 2013 |
| File requests for receipt of evidence without a witness | May 14, 2013 |
| File objections to direct exhibits (including witness statements) | May 15, 2013 |
| File Pre-hearing statement and brief- Staff | May 16, 2013 |
| Submit and serve rebuttal exhibits (including witness statements), with rebuttal physical and demonstrative exhibits available--all parties | May 17, 2013 |
| Deadline for third settlement conference | May 17, 2013 |
| Last day to file responses to motions <i>in limine</i> | May 17, 2013 |
| File responses to objections to direct exhibits (including witness statements) | May 20, 2013 |

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| EVENT | PROPOSED DATE |
|---|--|
| File objections to rebuttal exhibits (including witness statements) | May 22, 2013 |
| File statement of high priority objections | May 24, 2013 |
| Submission of third settlement conference joint report | May 24, 2013 |
| File response to objections to rebuttal exhibits (including witness statements) | May 28, 2013 |
| File responses to statement of high priority objections | May 29, 2013 |
| Submission of declarations justifying confidentiality of exhibits | May 30, 2013 |
| Pre-hearing conference | June 3, 2013, location TBA |
| Tutorials (optional) | 9:00 a.m., June 3, 2013, location TBA |
| Hearing | June 3 to June 14, 2013, location TBA |
| File initial post-hearing briefs and final exhibits lists | June 28, 2013 |
| File reply post-hearing briefs | July 10, 2013 |
| Final ID due | September 6, 2013 |
| Target Date | January 6, 2014 |

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Dated: 9/21/2012

Respectfully submitted,

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**CERTAIN WIRELESS CONSUMER ELECTRONICS
DEVICES AND COMPONENTS THEREOF**

Inv. No. 337-TA-853

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**CERTAIN WIRELESS CONSUMER ELECTRONICS
DEVICES AND COMPONENTS THEREOF**

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

Before the Honorable E. James Gildea
Administrative Law Judge

In the Matter of

**CERTAIN WIRELESS CONSUMER
ELECTRONICS DEVICES AND
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Investigation No. 337-TA-853

CERTIFICATE OF SERVICE

I, Sherri Mills, hereby certify that on September 21, 2012, I copies of the foregoing documents were served upon the following parties or their counsel in the manner indicated:

JOINT PROPOSED PROCEDURAL SCHEDULE

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**CERTAIN WIRELESS CONSUMER ELECTRONICS
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**CERTAIN WIRELESS CONSUMER ELECTRONICS
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**CERTAIN WIRELESS CONSUMER ELECTRONICS
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