

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN HUMAN MILK
OLIGOSACCHARIDES AND METHODS OF
PRODUCING THE SAME**

Inv. No. 337-TA-1120

**ORDER NO. 4: REGARDING TARGET DATE, CASE MANAGEMENT
CONFERENCE, AND PROCEDURAL SCHEDULE**

(July 16, 2018)

By publication of a notice in the Federal Register on June 21, 2018, the U.S. International Trade Commission ordered that:

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of products identified in paragraph (2) by reason of infringement of one or more of claims 1–40 of the '230 patent; and claims 1–28 of the '018 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "2'-fucosyllactose oligosaccharides";

83 F.R. 28865 (June 21, 2018).

The complainant in this investigation is Glycosyn LLC of Waltham, MA. *Id.* The named respondent is Jennewein Biotechnologie GmbH of Rheinbreitbach, Germany. *Id.* The Office of Unfair Import Investigations is a party in this investigation. *Id.*

I hereby determine that the target date for this investigation shall be Monday, October 21, 2019, which is sixteen months from the date that the Notice of Investigation was published in the

Federal Register. *See* 19 C.F.R. § 210.51(a); 19 C.F.R. § 201.14(a). Consequently, the final initial determination will be due by Friday, June 21, 2019. *See* 19 C.F.R. § 210.42(a)(1)(i).

Initial Case Management Conference

Pursuant to Ground Rule 6, I will hold the initial case management conference in this Investigation on **Thursday, August 9, 2018 at 10:00 AM**. The conference will be held telephonically. Complainant shall be responsible for setting up the teleconference number, ensuring a court reporter is present to transcribe the call, and filing the transcript of the teleconference on EDIS. As set forth in Ground Rule 6.3, each party shall file a case management statement two (2) business days prior to the scheduled initial case management conference, *i.e.*, on **Tuesday, August 7, 2018** by the close of business.

Procedural Schedule

I hereby order that the Procedural Schedule attached hereto as Appendix A is now in effect. A technology tutorial will commence at 9:00 AM on **Monday, October 22, 2018**. The tutorial shall be immediately followed by a *Markman* hearing, which shall conclude no later than 4:45 PM on **Tuesday, October 23, 2018**. The pre-hearing conference in this investigation shall commence at 9:00 AM on **Friday, February 22, 2019**. Immediately following the pre-hearing conference, the evidentiary hearing in this investigation shall commence. The hearing shall conclude no later than **Friday, March 01, 2019**. The typical hearing day shall be from 9:00 AM to 4:45 PM, except on Fridays where the hearing day shall end at 11:45 AM.

The parties shall meet and confer to jointly propose deadlines for those events in the Procedural Schedule where no deadline is indicated. The parties may also propose additional

deadlines or modifications to the listed deadlines. The parties shall include a proposed joint procedural schedule at the time they file their initial case management statements.

SO ORDERED.

A handwritten signature in black ink, reading "Thomas B. Pender", with a horizontal line underneath.

Thomas B. Pender
Administrative Law Judge

APPENDIX A

PROCEDURAL SCHEDULE, INV. NO. 337-TA-1120	
Event	Date
Initial Case Management Conference	Thursday, August 9, 2018
Deadline for Propounding Ground Rule 6.2 Interrogatories	
File identification of expert witnesses, including their expertise and curriculum vitae	
Deadline for Ground Rule 7.1 Disclosure of Priority Dates and Dates of Conception/Reduction to Practice	
Exchange list of claim terms for construction	
Exchange proposed claim constructions	
File joint claim construction chart	Monday, September 10, 2018
Deadline for Ground Rule 7.2 Disclosure of Products	
First settlement conference	
Submit first settlement conference joint report	
Deadline for Ground Rule 7.3 Disclosure of Domestic Industry Contentions	
File initial claim construction briefs	Monday, September 24, 2018
File reply claim construction briefs	Tuesday, October 09, 2018
Deadline for Ground Rule 7.4 Disclosure of Infringement Contentions	
Deadline for Ground Rule 7.5 Disclosure of Invalidity Contentions	
Technical Tutorial	Monday, October 22, 2018
Markman Hearing Start	Monday, October 22, 2018
Markman Hearing End	Tuesday, October 23, 2018
Issue Order Construing Terms (*tentative date*)	Tuesday, November 20, 2018
Fact discovery cutoff and completion	
Second settlement conference	
Submit second settlement conference joint report	
Serve initial expert reports	
Serve rebuttal expert reports	
Deadline for filing summary determination motions	Friday, December 21, 2018
Expert discovery cutoff and completion	
Third settlement conference	
Submit third settlement conference joint report	
File requests for receipt of evidence without a witness	
Serve proposed exhibit lists	

Serve proposed direct exhibits (including witness statements), with available proposed physical and demonstrative exhibits	
File objections to proposed direct exhibits (including witness statements)	
File responses to objections to proposed direct exhibits (including witness statements)	
Serve proposed rebuttal exhibits (including witness statements), with available proposed rebuttal physical and demonstrative exhibits	
File pre-hearing statements and briefs	Friday, January 18, 2019
Submit on electronic media proposed direct and proposed rebuttal exhibits (including witness statements) with available proposed direct and proposed rebuttal physical and demonstrative exhibits	Friday, January 18, 2019
Deadline for filing motions <i>in limine</i>	Friday, January 25, 2019
File objections to proposed rebuttal exhibits (including witness statements)	
File responses to objections to proposed rebuttal exhibits (including witness statements)	
File responses to motions <i>in limine</i>	Friday, February 08, 2019
Pre-hearing conference	Friday, February 22, 2019
Hearing Start	Friday, February 22, 2019
Hearing End	Friday, March 01, 2019
File initial post-hearing briefs addressing issues on which the party bears the burden of proof	Friday, March 15, 2019
File final exhibit lists	Friday, March 15, 2019
Submit final direct and rebuttal exhibits (including witness statements) with direct and rebuttal physical and demonstrative exhibits	Friday, March 15, 2019
File responsive post-hearing briefs	Friday, March 29, 2019
File reply post-hearing briefs	Friday, April 05, 2019
Initial Determination Due	Friday, June 21, 2019
Target date for completion of investigation	Monday, October 21, 2019

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