

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN ORGANIC LIGHT-EMITTING
DIODE DISPLAY MODULES AND
COMPONENTS THEREOF**

Inv. No. 337-TA-1378

ORDER NO. 7: ADOPTED PROCEDURAL SCHEDULE

(January 8, 2024)

On January 3, 2024, pursuant to Order No. 5, Complainant Samsung Display Company, Ltd. (“Samsung”), Respondents BOE Technology Group Co., Ltd. of China, Mianyang BOE Optoelectronics Technology Co., Ltd. of China, Ordos Yuansheng Optoelectronics Co., Ltd. of China, Chengdu BOE Optoelectronics Technology Co., Ltd of China, Chongqing BOE Optoelectronics Technology Co., Ltd. of China, Wuhan BOE Optoelectronics Technology Co., Ltd. of China, BMOT f/k/a Kunming BOE Display Technology of China, and BOE Technology America Inc. of Santa Clara, CA (collectively, “Respondents” and, with Samsung, the “Private Parties”), with the Commission Investigative Staff (“Staff” and with the Private Parties, “the Parties”) filed their Joint Proposed Procedural Schedule (“JPPS”). (Doc. ID 811388 (Jan. 3, 2024)).

The Parties’ Joint Proposed Procedural Schedule is Attachment A to the narrative for the JPPS. The Parties’ JPPS largely adopts the initial, Proposed Procedural Schedule that was sent to the Parties as Attachment A to Order No. 5. However, the Parties have asked for a change in the dates for the close of fact discovery and the close of expert discovery. The Parties have asked that the close of fact discovery be moved from May 13, 2024 to June 21, 2024 and that the close of expert discovery be moved from June 28, 2024 to August 20, 2024 respectively. (JPPS

at 2.). The Parties assert that there is ample room in the JPPS and in the initial Proposed Procedural Schedule for the modifications to the discovery dates. The Parties also agree that the changes to the discovery dates will not impact the dates for the evidentiary hearing (“Hearing”), and, therefore, there is good cause for the modifications. The modified dates will give the Parties more time to complete discovery. The Parties explained that they are concerned about potential delays associated with certain requests for foreign discovery that may be made through the Hague, and potential delays associated with obtaining approval for discovery, as many be required, from the Korean Ministry of Trade, Industry, and Energy (“MOTIE”). (*Id.*).

Samsung also has requested a change in the date Chambers proposed for the Hearing from late October to November 13-15, and 18-19, 2024. Samsung asserts that trial in a related case, *Polaris PowerLED Technologies, LLC v. Samsung Display Co. Ltd. et al.*, No. 2:22-cv-00469-JRG (E.D. Tex.) (“*Polaris*”), that is scheduled to begin on October 28, 2024, may conflict with the proposed Hearing in this Investigation which is scheduled to begin on October 23, 2024 and last for five (5) days. (*Id.* at 1.). Respondents assert that Samsung has not shown good cause to move the Hearing date and that Samsung’s request is premature because no witnesses have been identified who would testify in both trials. Respondents also say that trial counsel for the two (2) cases are separate, and it is uncertain whether the Federal District Court trial will go forward as scheduled in October 2024. (*Id.* at 1-2.). Staff does not appear to have taken a position on a change in Hearing dates, or at least none is reported.

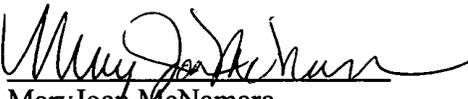
Given the totality of circumstances, the potential discovery delays associated with foreign discovery through the Hague, and obtaining approval from MOTIE, justify modifying the Proposed Procedural Schedule, at least for the discovery deadline dates that the Parties have proposed, as identified above. Therefore, the Parties’ proposed modifications to the deadlines

for close of fact discovery and expert discovery are adopted. (See Attachment A hereto.).

However, Samsung's request to modify the dates for the Hearing appears to be premature. The Federal District Court *Polaris* case has been stayed pending the outcome of *Certain Active Matrix Organic Light-Emitting Diode Display Panels and Modules for Mobile Devices, and Components Thereof*, Inv. No. 337-TA-1351. Consequently, the currently scheduled start trial date of October 28, 2024 in the *Polaris* case is speculative. Moreover, as Respondents have pointed out, Samsung did not identify any witnesses whom it expects to call during the Hearing whom Samsung also expects to call in the *Polaris* case. Therefore, Samsung's request to modify the proposed Hearing dates is *denied* at this time. However, the Parties may always request a change in the Hearing dates at a later time if that becomes necessary.

The Adopted Procedural Schedule is Attachment A to this Order.

SO ORDERED.


MaryJoan McNamara
Administrative Law Judge