

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC

In The Matter Of

CERTAIN SILICON MICROPHONE
PACKAGES AND PRODUCTS
CONTAINING SAME

337-TA-825

ORDER NO. 12: DENYING COMPLAINANT'S MOTION IN LIMINE TO EXCLUDE
TESTIMONY OF DR. MICHAEL G. PECHT
(September 20, 2012)

On September 7, 2012, Complainant Knowles filed a motion to preclude Respondents' designated technical expert witness, Dr. Michael G. Pecht ("Dr. Pecht"), from offering opinion expert testimony at trial relating to economic, sales or marketing matters as these areas are outside the scope of his expertise. (Motion Docket No. 825-14.) On September 13, 2012, Respondents filed a response opposing the motion and withdrawing responses to Questions 769 and 787-792 of Dr. Pecht's direct witness statement (RX-720C).

Knowles asserts Dr. Pecht is not qualified to offer opinions regarding economics, sales, or marketing and his opinions are unreliable under Fed. R. Evid. 702, as well as the principles set forth in *Daubert v. Merrell Dow Pharms.*, 509 U.S. 579 (1993) and its progeny. Dr. Pecht has "over thirty years of experience in the area of electronics packaging, printed circuit board assembly, surface mount technology, and electronic products and systems development." (RX-0720C at Q/A 5.) In addition, Dr. Pecht has "authored over twenty books and over five hundred articles on electronic product development, use, and supply chain management, including books on electronic packaging." (RX-0720C at Q/A 9.) The fact that Dr. Pecht may not have specific relevant experience is an issue that goes to the weight to be assigned his testimony rather than its admissibility. Knowles may address Dr. Pecht's qualifications, or lack thereof, through cross examination.

For the forgoing reasons Motion Docket No. 825-14 is DENIED. Respondents have voluntarily withdrawn questions 769 and 787-792 of RX-720C and as such the present motion is now moot with regard to those questions.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Thomas B. Pender", written over a horizontal line.

Thomas B. Pender
Administrative Law Judge


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CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **PUBLIC ORDER NO. 12** has been served upon the following parties via first class mail and air mail where necessary on

SEP 21 2012


Lisa R. Barton, Acting Secretary
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