

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C. 20436

Before the Honorable Charles E. Bullock  
Chief Administrative Law Judge

In the Matter of

CERTAIN BACKPACK CHAIRS

Investigation No. 337-TA-1062

**JOINT PROPOSED PROCEDURAL SCHEDULE**

Pursuant to Order No. 3: Order Setting Target Date and Date for Submission of Proposed Procedural Schedule (July 31, 2017), Complainant Rio Brands, LLC and Respondent GCI Outdoor, Inc., by and through their respective counsel, hereby submit the following Proposed Procedural Schedule.

| Event   | Date     |
|---|----------|
| First settlement conference (on or before)  | 8/16/17  |
| Submission of first settlement conference joint report  | 8/22/17  |
| Attendance at one-day mediation session (on or before)  | 10/16/17 |
| Submission of joint report on mediation   | 10/20/17 |
| File identification of expert witnesses, including their expertise and curriculum vitae   | 10/20/17 |
| File notice of prior art  | 11/3/17  |
| File tentative list of witnesses a party will call to testify at the hearing, with an identification of each witness' relationship to the party | 11/7/17  |
| Final Supplement of Contention Interrogatories upon which the party carries the burden of proof   | 11/17/17 |
| Final Supplement of Contention Interrogatories on all other issues  | 11/22/17 |
| Fact discovery cut-off and completion   | 12/6/17  |
| Second settlement conference (on or before)   | 12/8/17  |
| Submission of second settlement conference joint report   | 12/12/17 |
| Exchange of initial expert reports (identify tests/surveys/data)  | 12/13/17 |
| Exchange of rebuttal expert reports   | 12/22/17 |
| Expert discovery cut-off and completion   | 1/9/18   |
| Deadline for filing summary determination motions   | 1/12/18  |

| <b>Event</b>   | <b>Date</b>       |
|--|-------------------|
| Deadline for motions to compel discovery   | 1/18/18           |
| Exchange of exhibit lists among the parties  | 1/25/18           |
| Submit and serve direct exhibits (including witness statements), with physical and demonstrative exhibits available – Complainant and Respondent | 1/30/18           |
| Submit and serve rebuttal exhibits (including witness statements), with rebuttal physical and demonstrative exhibits available – all parties     | 2/12/18           |
| File requests for receipt of evidence without a witness  | 2/16/18           |
| File prehearing statements and briefs – Complainants and Respondents   | 2/21/18           |
| Deadline for motions <i>in limine</i>  | 2/23/18           |
| File high priority objections statement  | 2/23/18           |
| File responses to high priority objections statement   | 3/5/18            |
| File responses to motions <i>in limine</i>   | 3/5/18            |
| Prehearing Conference & Tutorial (if necessary)  | 3/12/18           |
| Trial  | 3/12/18 – 3/16/18 |
| File initial post-trial briefs, proposed findings of fact and conclusions of law, and final exhibit lists  | 3/30/18           |
| File reply post-trial briefs   | 4/13/18           |
| Initial Determination due  | 7/12/18           |
| Target date for completion of Investigation  | 11/12/18          |

Joint Proposal:

The Parties seek leave from the Chief ALJ to forgo the filing and service of specific objections to direct exhibits and rebuttal exhibits, including physical exhibits and demonstrative exhibits, and responses thereto. The Parties wish, however, to maintain the right to raise any objection to the admissibility of any exhibit through a high priority objection, a motion *in limine*, or an opposition to a request for receipt of evidence without a sponsoring witness. Further, the Parties request that the Chief ALJ preserve the Parties' right to object to the admissibility of any direct exhibit or rebuttal exhibit at the evidentiary hearing based upon any ground. The Parties submit that this approach will minimize the number of objections to exhibits and the resulting burden on the parties to identify and respond to these objections, reduce the number of issues for the Chief ALJ to rule upon, and streamline the evidentiary hearing. Similar requests to

streamline the objection process have been granted in recent investigations. *See Certain Activity Tracking Devices, System, and Components Thereof*, Inv. No. 337-TA-963, Order No. 5 (Sept. 29, 2015) (issuing a procedural schedule without deadlines for specific objections and responses thereto); *Certain Wireless Consumer Elec. Devices & Components Thereof*, Inv. No. 337-TA-853, Order No. 41 (May 9, 2013) (granting joint motion to amend procedural schedule to forgo filing and service of objections to exhibits while preserving parties' rights to raise objections); *Certain Omega-3 Extracts from Marine or Aquatic Biomass & Prods. Containing the Same*, Inv. 337-TA-877, Order No. 36 (Nov. 22, 2013) (same).

If the Chief ALJ determines that it is more appropriate to include dates for specific objections to direct exhibits and rebuttal exhibits, including physical exhibits and demonstrative exhibits, and responses thereto, however, the Parties have agreed to the following dates:

1. File Objections to Direct Exhibits (including witness statements) – February 9, 2018;
2. File Response to Objections to Direct Exhibits (including witness statements) – February 16, 2018;
3. File Objections to Rebuttal Exhibits (including witness statements) – February 19, 2018; and
4. File Response to Objections to Rebuttal Exhibits (including witness statements) – February 26, 2018.

Dated: August 8, 2017

Respectfully submitted,

/s/ Austen C. Endersby

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**CERTIFICATE OF SERVICE**

I, Austen C. Endersby, hereby certify that on August 8, 2017, a copy of the foregoing was filed via EDIS and was served as indicated on the parties listed below:

|  |   |
|--|---|
| <p><b>The Honorable Lisa R. Barton</b><br/>                 Secretary, Office of the Secretary<br/>                 U.S. INTERNATIONAL TRADE COMMISSION<br/>                 500 E Street, SW, Room 112-F<br/>                 Washington, DC 20436<br/>                 (202) 205-2000</p>  | <p><input type="checkbox"/> Via First Class Mail<br/> <input type="checkbox"/> Via Hand Delivery<br/> <input type="checkbox"/> Via Courier<br/> <input type="checkbox"/> Via Electronic Mail<br/> <input checked="" type="checkbox"/> Via EDIS</p>  |
| <p><b>The Honorable Charles E. Bullock</b><br/>                 Chief Administrative Law Judge<br/>                 U.S. INTERNATIONAL TRADE COMMISSION<br/>                 500 E Street, SW, Room 317<br/>                 Washington, DC 20436</p>  | <p><input type="checkbox"/> Via First Class Mail<br/> <input type="checkbox"/> Via Hand Delivery<br/> <input checked="" type="checkbox"/> Via Courier<br/> <input checked="" type="checkbox"/> Via Electronic Mail at<br/>                 Irina.Kushner@usitc.gov<br/> <input type="checkbox"/> Via EDIS</p> |
| <p><b>Counsel for Respondent GCI Outdoor, Inc.</b><br/>                 Gary M. Hnath<br/>                 Bryan Nese<br/>                 MAYER BROWN LLP<br/>                 1999 K Street, NW<br/>                 Washington, DC 20006-1101<br/>                 Email: ghnath@mayerbrown.com<br/>                 bnese@mayerbrown.com</p> | <p><input type="checkbox"/> Via First Class Mail<br/> <input type="checkbox"/> Via Hand Delivery<br/> <input type="checkbox"/> Via Courier<br/> <input checked="" type="checkbox"/> Via Electronic Mail<br/> <input type="checkbox"/> Via EDIS</p>  |

/s/ Austen C. Endersby  
 Austen C. Endersby