

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN LOCATION-SHARING
SYSTEMS, RELATED SOFTWARE,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING SAME


Inv. No. 337-TA-1347

ORDER NO. 12: ISSUING REPLACEMENT GROUND RULES

(May 1, 2023)

Ground Rules 6.5.5 and 13.6.10 have been amended. Effective immediately, the attached Ground Rules, which also incorporate the modifications from Order Nos. 5 and 8, replace the original Ground Rules and shall control the remainder of this investigation.

SO ORDERED.


Bryan F. Moore
Administrative Law Judge

GROUND RULES FOR SECTION 337 INVESTIGATIONS

These Ground Rules supplement the Commission's Rules of Practice and Procedure, 19 C.F.R. Parts 201 and 210 ("Commission Rules"), in order to aid Administrative Law Judge Bryan F. Moore (he/him) in the orderly conduct of the section 337 investigation pursuant to the Administrative Procedure Act, 5 U.S.C. § 556(c).

In case of any conflict between these Ground Rules and any subsequent order issued by the Administrative Law Judge or the Commission in this investigation, the subsequent order shall control.

TABLE OF CONTENTS

1	Filings and Submissions.	1
1.1	Definitions.....	1
1.2	Format of Filings and Submissions.....	1
1.3	Filing Requirement.	1
1.3.1	Public Version Required.	1
1.4	Service.....	2
1.5	Confidentiality.	2
1.6	Citation of Cases.	2
1.7	Coordination of Briefs Among Interested Parties.....	3
1.8	Courtesy Copies.	3
1.8.1	Documents Requiring a Courtesy Copy.	3
1.8.2	Procedure.	3
2	Time	3
2.1	Request for Extension of Time	4
3	Preliminary Conference.	4
4	Procedural Schedule.	5
5	Motions	8
5.1	Obligation to Confer.	8
5.2	Page Limitations.	8
5.3	Numbering Responses to Motions.	8
5.4	Rules for Certain Motions.....	8
5.4.1	Discovery-Related Motions.	8
5.4.1.1	Videoconference Requirement.....	8
5.4.1.2	Contents of Discovery-Related Motions.....	9
5.4.2	Motions for Summary Determination and Responses Thereeto.	9
5.4.2.1	Motion.....	9
5.4.2.2	Response.	9
5.4.2.3	Courtesy Copies.	9
5.5	Effect of Filing Unopposed Motions to Terminate.....	9
6	Discovery	11
6.1	Resolution of Disputes; Coordinated Discovery.....	11
6.2	Discovery Committee.	11
6.3	Service of Discovery Requests and Responses.....	11
6.4	Timing of Discovery Requests, Responses and Objections.....	11
6.4.1	Depositions; Notice.....	11
6.4.2	Interrogatories; Deadline for Responses and Objections.....	11

6.4.3	Contention Interrogatories.	12
6.4.4	Requests for Production of Documents or Things or for Entry Upon Land; Deadline for Responses and Objections.	12
6.4.5	Request for Admission; Period for Service; Deadline for Responses and Objections.....	12
6.4.6	Discovery Related to Redesign Products.....	12
6.4.7	Discovery Cutoff and Completion.....	12
6.5	Subpoenas.....	13
6.5.1	Issuance and Service.....	13
6.5.2	Motion to Quash Subpoena; Deadline.....	13
6.5.3	Subpoenas <i>Ad Testificandum</i> for Hearings.....	13
6.5.4	Withdrawing A Subpoena.....	13
6.5.4	Extension of Time.....	14
6.6	Bates Numbering.....	14
6.7	Translations.....	14
6.8	Privileged Matter.....	14
6.8.1	Privileged Document List.....	14
6.8.2	Motion to Compel Production of Privileged Matter.....	15
7	Claim Construction.....	15
7.1	Terms Requiring Construction.....	15
7.2	Claim Construction Briefing.....	16
7.3	Claim Construction Hearing Exhibits.....	16
7.4	Proposed Claim Construction Chart.....	16
8	Notice of Prior Art.....	16
9	Expert Witnesses and Reports.....	17
10	Narrowing Issues, Mediation, Settlement.....	17
11	Pre-hearing Submissions.....	17
11.1	Pre-hearing Statement.....	17
11.2	Pre-hearing Brief.....	18
11.3	Motions <i>in Limine</i>	18
11.3.1	Requirement to Include Evidence in Question.....	18
12	Exhibits.....	18
12.1	Form and Marking.....	18
12.1.1	Inclusion on Exhibit List.....	18
12.1.2	One Document Per Exhibit.....	19
12.1.3	Labeling Exhibits.....	19
12.1.4	Physical Exhibits.....	19
12.1.5	Demonstrative Exhibits.....	19
12.1.6	Confidential Exhibits.....	19
12.1.7	Foreign Language Exhibits.....	20
12.2	Pre-Hearing Disclosure.....	20

12.2.1	Content of Exhibit Lists.....	20
12.2.2	Exchange of Proposed Exhibit Lists.....	20
12.2.3	Exchange of Proposed Exhibits.....	20
12.2.4	Exchange of Demonstrative Exhibits.....	21
12.3	Use in Hearing.....	21
12.3.1	Authenticity.....	21
12.3.2	Witness Exhibits.....	21
12.4	Admission of Exhibits into Evidence.....	21
12.5	Final Exhibit List and Final Exhibits.....	21
12.5.1	Final Exhibit List.....	21
12.5.2	Final Exhibits Must Be Submitted to the Administrative Law Judge.....	22
12.5.3	Submission of Final Exhibits.....	22
12.5.4	Uploaded Exhibit Requirements.....	23
13	Hearing Procedure.....	23
13.1	Hearing Hours.....	23
13.2	Webex Procedures.....	23
13.2.1	Naming Conventions.....	23
13.2.4	Monitors for Confidential Business Information.....	24
13.2.5	Demonstrative Exhibits.....	24
13.3	Hearing Decorum.....	24
13.3.1	Audible Devices; Food and Beverages.....	24
13.3.2	Photos or Video Recording.....	24
13.4	Opening Statements.....	24
13.5	Material to Be Received into Evidence.....	24
13.6	Examination of Witnesses.....	24
13.6.1	Direct Witness Testimony.....	24
13.6.2	Scope of Cross-examination.....	26
13.6.3	Scope of Redirect and Re-cross Examination.....	26
13.6.4	Coordination of Respondents' Cross-Examination.....	26
13.6.5	Order of Witnesses.....	26
13.6.6	Scope of Expert Witness Testimony.....	26
13.6.7	Use of Interpreters.....	27
13.6.8	Conferring with Witness during a Break in Testimony.....	27
13.6.9	Sequestration of Witnesses.....	27
13.6.10	Use of Video Impeachment.....	27
13.7	Submission of Updated Schedule of Witnesses.....	27
13.8	Time-Keeping.....	27
13.9	Closing Argument.....	27
13.10	Close of Hearing Procedures.....	27
13.10.1	Physical Exhibits.....	27
13.10.2	Correction to Transcripts.....	28
14	Post-Hearing Briefs.....	28

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.