

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. 21: GRANTING COMMISSION INVESTIGATIVE STAFF’S MOTION
FOR LEAVE TO ADMIT MARKMAN EXHIBIT**

(June 5, 2023)


On May 23, 2023, the Commission Investigative Staff (“Staff”) moved (1347-008) for leave to admit Exhibit 1 to their motion into the record for the *Markman* hearing. Staff certified that Respondents did not oppose the motion. Mot. at 2. Complainants AGIS Software Development LLC and Advanced Ground Information Systems, Inc. (“AGIS”) informed Staff that “Complainants do not oppose to the extent the Motion to Admit is granted and the hearing transcript that relates to JMX-0016 is admitted, then good cause exists to admit any evidence Complainants cite in support of their May 23 briefing.” *Id.* No party filed any opposition or response to Staff’s motion.

Exhibit 1 to Staff’s motion is a transcript from a hearing in the Eastern District of Texas construing the disputed term “group.” Mot. Ex. 1. This hearing relates to the Eastern District of Texas’s order construing the claim, JXM-0016, which is already in the *Markman* record. Staff argues that this transcript only became relevant when a dispute arose on the eve of the May 16, 2023, *Markman* hearing. Mot. at 1. Staff argues that there is no prejudice to AGIS because it is a transcript from a district court hearing where the same counsel representing AGIS argued for the construction of “group,” and thus AGIS had knowledge of and access to the exhibit and could have

relied upon the exhibit in support of its proposed construction. Staff also provided the exhibit before AGIS and Respondents' time to file supplemental briefing regarding the term "group."

I grant Staff's motion. Because the relevant dispute only became apparent on the eve of the *Markman* hearing, Staff's disclosure of this exhibit is not untimely. No party filed any opposition, and the parties were not prejudiced because they had an opportunity to address and respond to Staff's new exhibit in their supplemental briefing on the term "group."

SO ORDERED.


Bryan F. Moore
Administrative Law Judge