

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

**CERTAIN HANDHELD ELECTRONIC  
COMPUTING DEVICES, RELATED  
SOFTWARE, AND COMPONENTS  
THEREOF**

**Inv. No. 337-TA-769**

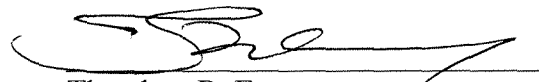
**ORDER NO. 27: GRANTING JOINT MOTION TO AMEND THE PROCEDURAL  
SCHEDULE**

(December 30, 2011)

On December 29, 2011, complainant Microsoft, Inc. (“Microsoft”) and respondents Barnes and Noble, Inc., barnesandnobles.com and Inventec (collectively “Respondents”) filed a joint motion to amend the procedural schedule to allow for additional discovery regarding the patent misuse defense pursuant to the ALJ’s October 21, 2011 ruling. (Motion Docket No 769-058.) The motion states that the Commission Investigative Staff does not oppose the motion.

The investigation will hereby be controlled by the procedural schedule attached hereto as Attachment A.

**SO ORDERED**



Theodore R. Essex  
Administrative Law Judge

# **ATTACHMENT A**

Exhibit A to Joint Motion to Amend the Procedural Schedule

<b>Event Description</b>	<b>Present Date</b>	<b>Proposed New Date</b>
Exchange of Initial Expert Reports (Patent Misuse)	10/21/11	11/21/11
File Tentative List of Hearing Witnesses	10/24/11	Same
Fact Discovery Cut-off and Completion (Patent Misuse)	11/14/11	12/14/11
Last Day to Supplement Responses to Contention Interrogatories (Patent Misuse)	11/16/11	12/19/11
Exchange of Rebuttal Expert Reports (Patent Misuse)	11/16/11	12/19/11
Deadline for Motions to Compel Discovery (Patent Misuse)	12/5/11	12/22/11
Expert Discovery Cut-off and Completion (Patent Misuse)	12/6/11	1/6/12
Deadline for Filing Summary Determination Motions	12/7/11	Same
Exchange Exhibit Lists	12/22/11	Same
Submit and Serve Direct Exhibits – Parties (including direct witness statements for issues in which the parties bear the burden of proof)	1/6/12	1/10/12
File Pre-Hearing Briefs – Parties	1/11/12	1/16/12
File Request for Receipt of Evidence without a Witness	1/11/12	1/16/12
File Objections to Direct Exhibits	1/13/12	1/18/12
Submit and Serve Direct Exhibits – Staff (including direct witness statements)	1/18/12	1/20/12
Submit Rebuttal Exhibits (including rebuttal witness statements for issues in which the opposing party bears the burden of proof)	1/18/12	1/20/12
Deadline for Motions in Limine	1/20/12	1/23/12
File Responses to Objections to Direct Exhibits	1/20/12	1/24/12
File High-Priority Objections Statement	1/23/12	1/25/12
File Pre-Hearing Briefs – Staff	1/23/12	1/26/12
File Objections to Rebuttal Exhibits	1/25/12	1/27/12
File Responses to Motions in Limine	1/27/12	1/30/12
File Responses to High-Priority Objections Statement	1/30/12	Same


File Response to Objections to Rebuttal Exhibits	1/30/12	Same
Submission of Declarations Justifying Confidentiality of Exhibits	1/30/12	Same
Prehearing Conference and Tutorial (if necessary)	2/6/12	Same
Hearing Begins	2/6/12	Same
Hearing Ends	2/15/12	Same
File Initial Post-hearing Brief, Proposed Findings and Conclusions and Final Exhibit List	2/29/12	Same
File Reply Post-hearing Briefs and Rebuttal to Proposed Findings of Fact	3/14/12	Same

**CERTAIN HANDHELD ELECTRONIC  
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Inv. No. 337-TA-769

**PUBLIC CERTIFICATE OF SERVICE**

I, James R. Holbein, hereby certify that the attached **ORDER 27** has been served by hand upon the Commission Investigative Attorney, **Jeffrey Hsu, Esq.**, and the following parties as indicated on **December 30, 2011**.

  
James R. Holbein, Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112A  
Washington, D.C. 20436

**On Behalf of Complainant MICROSOFT CORPORATION:**

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**On Behalf of Respondents BARNES & NOBLE, INC. and barnesandnoble.com LLC:**

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**PUBLIC CERTIFICATE3 OF SERVICE – PAGE TWO**

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