

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

**In the Matter of**

**CERTAIN PICK-UP TRUCK FOLDING BEDS  
COVER SYSTEM AND COMPONENTS  
THEREOF**

**Inv. No. 337-TA-1188**

**ORDER NO. 7: GRANTING JOINT MOTION TO MODIFY THE PROCEDURAL  
SCHEDULE; AND STAYING EVIDENTIARY HEARING**

(April 6, 2020)

On April 1, 2020, Complainants Extang Corporation and Laurmark Enterprises, Inc. d/b/a BAK Industries (collectively, “Complainants”) and Respondents Tyger Auto Inc., Cixi City Liyuan Auto Parts Co., Ltd., and Hong Kong Car Start Industrial Co. Ltd. (collectively, “Respondents”) (together, “the Private Parties”) jointly moved (1188-003) for modification of the procedural schedule due to “practical and humanitarian concerns relating to individual health and public safety.” Mot. at 1. The Commission Investigative Staff does not object to the modification. *Id.*

The Private Parties explain that “the geographic location of all three Respondents is within epicenters of COVID-19.” *Id.* at 2 (noting that two respondents are close to Shanghai and under stringent isolation requirements, and the third respondent is in Canada, with operations in and near the COVID-19 epicenter in the State of Washington and a warehouse in the COVID-19 epicenter of Los Angeles, California.). Complainants are also operating under a strict shelter in place executive order. *Id.* While the parties have progressed with written discovery, the spread of COVID-19 has prohibited completion of document and deposition discovery before the currently schedule close of discovery on April 22, 2020. *Id.* at 2-3. The Private Parties write: “The health concerns presented by the spread of the novel coronavirus have and will make preparing for and

participating in depositions impracticable and potentially dangerous. It is unknown when the Chinese Respondents will be able to complete their document productions.” *Id.* at 4. They further state that safety precautions, travel restrictions, business closures and “shelter in place” orders in both the United States and China have impeded and will continue to impede the preparation for and taking of the depositions. *Id.*

The Private Parties therefore submit that it is in the interests of public health and safety to modify the procedural schedule. *Id.* at 5. Specifically, they request that all dates be moved by approximately two months. *Id.* They note that it is the preference of the undersigned that the evidentiary hearing be stayed until the Commission resumes normal operations at which time a new hearing date will be established. *Id.* at 5-6. The undersigned agrees with the Private Parties that the extraordinary circumstances arising from the global outbreak of COVID-19 warrants a modification of the procedural schedule.

Accordingly, the Private Parties’ joint motion to modify the procedural schedule (1188-003) is hereby granted. The evidentiary hearing is stayed until further notice. The amended procedural schedule is set forth below:

<u>Event</u>	<u>Current Deadline Date</u>	<u>Revised Deadline Date</u>
Initial deadline for responses to contention interrogatories on issues for which the responding party bears the burden of proof	February 14, 2020	<i>Completed</i>
Exchange of claim terms to be construed	February 21, 2020	<i>Completed</i>
Initial deadline for responses to contention interrogatories on issues for which the responding party does not bear the burden of proof	March 6, 2020	<i>Completed</i>
Deadline to meet, confer and exchange Proposed Constructions	March 6, 2020	<i>Completed</i>
Staff Serves Proposed Claim Constructions	March 12, 2020	<i>Completed</i>

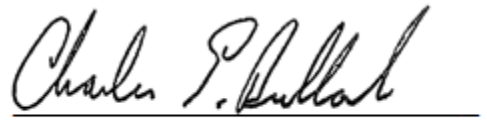
<u>Event</u>	<u>Current Deadline Date</u>	<u>Revised Deadline Date</u>
Cut-off date for supplements to contention interrogatories on issues for which the responding party bears the burden of proof	March 24, 2020	<i>Completed</i>
File notice of prior art	March 24, 2020	<i>Completed</i>
Deadline for Complainants and Respondents to meet, confer and exchange final constructions	March 31, 2020	March 31, 2020
Staff serves final constructions	April 3, 2020	June 3, 2020
First settlement conference	April 3, 2020	June 3, 2020
File identification of expert witnesses	April 3, 2020	June 3, 2020
Submission of first settlement conference joint report	April 7, 2020	June 9, 2020
File tentative list of witnesses a party will call to testify at hearing, with an identification of each witness' relationship to the party	April 10, 2020	June 10, 2020
File Joint Proposed Claim Construction Chart	April 14, 2020	June 16, 2020
Cut-off date for supplements to contention interrogatories on issues for which the responding Respondents do not bear the burden of proof	April 14, 2020	June 16, 2020
Fact discovery cut-off and completion	April 22, 2020	June 23, 2020
Deadline for motions to compel fact discovery	April 24, 2020	June 24, 2020
Exchange of initial expert reports (identify tests/surveys/data)	April 27, 2020	June 26, 2020
Exchange of rebuttal expert reports	May 22, 2020	July 22, 2020
Deadline for attendance at one-day mediation	May 26, 2020	August 4, 2020
Submission of joint report on mediation session	May 28, 2020	August 6, 2020
Expert discovery cut-off and completion	June 5, 2020	August 5, 2020
Exchange of exhibit lists among the parties	June 9, 2020	August 11, 2020
Deadline for filing motions to compel expert discovery	June 9, 2020	August 11, 2020
Deadline for filing motions for summary determination	June 11, 2020	August 13, 2020

<u>Event</u>	<u>Current Deadline Date</u>	<u>Revised Deadline Date</u>
Submit and serve direct exhibits (including witness statements), with physical and demonstrative exhibits available — Complainants and Respondents	June 16, 2020	August 18, 2020
Submit and serve direct exhibits (including witness statements) with physical and demonstrative exhibits available — Staff	June 23, 2020	August 25, 2020
Second settlement conference	June 25, 2020	August 27, 2020
Submission of second settlement conference joint report	June 29, 2020	September 1, 2020
Submit and serve rebuttal exhibits (including witness statements) with rebuttal physical and demonstrative exhibits available — all parties	June 30, 2020	September 1, 2020
File pre-trial statements and briefs — Complainants and Respondents	July 14, 2020	September 15, 2020
File requests for receipt of evidence without a sponsoring witness	July 21, 2020	September 22, 2020
File objections to direct exhibits (including witness statements) <sup>1</sup>	N/A	N/A
File responses to objections to direct exhibits (including witness statements)	N/A	N/A
File objections to rebuttal exhibits (including witness statements)	N/A	N/A
File responses to objections to rebuttal exhibits (including witness statements)	N/A	N/A
Deadline to file motions <i>in limine</i>	July 24, 2020	September 24, 2020
File high priority objections statement	July 24, 2020	September 24, 2020
File pre-trial statement and brief — Staff	July 24, 2020	September 25, 2020
File responses to motion <i>in limine</i>	July 31, 2020	September 30, 2020
File responses to high priority objections statement	July 31, 2020	September 30, 2020
File responses to requests for receipt of evidence without a sponsoring witness	August 3, 2020	October 3, 2020
Pretrial conference	August 10, 2020	TBD
Hearing	August 10-14, 2020	TBD
File initial post-trial briefs and final exhibits lists	August 28, 2020	TBD
File reply post-trial briefs	September 9, 2020	TBD

<sup>1</sup> The parties have agreed to forego the requirement that written objections and written responses to written objections to direct and rebuttal exhibits be filed.

<u>Event</u>	<u>Current Deadline</u> <u>Date</u>	<u>Revised Deadline</u> <u>Date</u>
Initial Determination	November 30, 2020	TBD
Target date for completion of investigation	March 30, 2021	TBD

**SO ORDERED.**

  
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Charles E. Bullock  
Chief Administrative Law Judge

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Sarah Sladic, Esq.**, and the following parties as indicated, on **April 6, 2020**.



Lisa R. Barton, Secretary  
U.S. International Trade Commission  
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Washington, DC 20436

**On Behalf of Complainants Extang Corporation  
and Lauramark Enterprises, Inc. d/b/a BAK Industries:**

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- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**On Behalf of Respondents Tyger Auto Inc., Cixi City Liyuan  
Auto Parts Co. Ltd., and Hong Kong Car Start Industries Co.:**

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