

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION



In the Matter of  
MSC.SOFTWARE CORPORATION,  
a corporation.

Docket No. 9299

REVISED SCHEDULING ORDER

For the reasons set forth in the Order on Respondent MSC Software Corporation's Motion to Extend Trial Date, and in consideration of MSC's motion, and Complaint Counsel's opposition thereto, the Scheduling Order in this matter is hereby revised to establish the following deadlines. All "Additional Provisions" from the November 13, 2001 Scheduling Order remain in place.

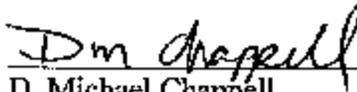
- March 19, 2002 - Complaint Counsel provides supplemental expert witness list, if necessary.
- April 2, 2002 - Respondent's Counsel provides supplemental expert witness list, if necessary.
- April 9, 2002 - Complaint Counsel provides supplemental expert witness reports, if necessary.
- April 16, 2002 - Complaint Counsel provides supplemental revised witness lists, if necessary, including preliminary rebuttal witnesses, with description of proposed testimony.
- April 25, 2002 - Status conference with ALJ to address disputes regarding discovery and expert reports, if requested by the parties.
- April 26, 2002 - Deadline for issuing document requests, requests for admission, interrogatories and *subpoenas duces tecum*, except for discovery for purposes of authenticity and admissibility of exhibits.

- April 26, 2002 - Complaint Counsel to identify rebuttal expert(s) and provide rebuttal expert report(s). Any such reports are to be limited to rebuttal of matters set forth in Respondent's expert reports. If material outside the scope of fair rebuttal is presented, Respondent will have the right to seek appropriate relief (such as striking Complaint Counsel's rebuttal expert reports or seeking leave to submit sur-rebuttal expert reports on behalf of Respondent).
- April 30, 2002 - Respondent's Counsel provides supplemental expert witness reports, if necessary.
- April 30, 2002 - Respondent's Counsel provides supplemental revised witness list, if necessary, including preliminary sur-rebuttal witnesses, with description of proposed testimony.
- May 28, 2002 - Parties that intend to offer into evidence at the hearing confidential materials of an opposing party or non-party must provide notice to the opposing party or non-party, pursuant to 16 C.F.R. § 3.45(b).
- May 28, 2002 - Close of discovery, other than discovery permitted under Rule 3.24(a)(4), depositions of experts, and discovery for purposes of authenticity and admissibility of exhibits.
- May 31, 2002 - Deadline for depositions of experts (including rebuttal experts).
- June 4, 2002 - Complaint Counsel provides to Respondent's counsel its final proposed witness and exhibit lists, including designated testimony to be presented by deposition, copies of all exhibits (except for demonstrative, illustrative or summary exhibits), and a brief summary of the testimony of each witness.  
Complaint Counsel serves courtesy copies on ALJ its final proposed witness and exhibit lists, including a list of designated testimony to be presented by deposition, and a brief summary of the testimony of each witness.
- June 5, 2002 - Status conference to report on discovery and settlement negotiations, if requested by the parties.
- June 7, 2002 - Complaint Counsel files pretrial brief, to include proposed findings of fact and conclusions of law. To the extent possible, findings of fact shall be supported by document citations and/or deposition citations. Conclusions of law shall be supported by legal authority.

- June 11, 2002 - Deadline for filing motions *in limine* and motions to strike.
- June 11, 2002 - Deadline for filing motions for *in camera* treatment of proposed trial exhibits.
- June 12, 2002 - Respondent's Counsel provides to Complaint Counsel its final proposed witness and exhibit lists, including designated testimony to be presented by deposition and copies of all exhibits (except for demonstrative, illustrative or summary exhibits), and a brief summary of the testimony of each witness.  
Respondent's Counsel serves courtesy copies on ALJ its final proposed witness and exhibit lists, including a list of designated testimony to be presented by deposition, and a brief summary of the testimony of each witness.
- June 14, 2002 - Respondent's Counsel files pretrial brief, to include proposed findings of fact and conclusions of law. To the extent possible, findings of fact shall be supported by document citations and/or deposition citations. Conclusions of law shall be supported by legal authority.
- June 18, 2002 - Deadline for filing responses to motions *in limine* and motions to strike.
- June 18, 2002 - Deadline for filing responses to motions for *in camera* treatment of proposed trial exhibits.
- June 20, 2002 - Exchange, and serve courtesy copy on ALJ, objections to final proposed witness lists and exhibits, including objections to the designated testimony to be presented by deposition.
- June 20, 2002 - Exchange proposed stipulations of law, facts, and authenticity.
- June 21, 2002 - Complaint Counsel files reply to Respondent's pretrial brief, supported by documents and deposition citations and identifying any final rebuttal exhibits (together with copies thereof).
- June 25, 2002 - File final stipulations of law, facts, and authenticity. Any subsequent stipulations may be filed as agreed by the parties.

- June 27, 2002 - Final prehearing conference to be held at 10:00 a.m. in room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, N.W., Washington, D.C. The parties are to meet and confer prior to the conference regarding trial logistics and proposed stipulations of law, facts, and authenticity and any designated deposition testimony. Counsel may present any objections to the final proposed witness lists and exhibits, including the designated testimony to be presented by deposition. Trial exhibits will be admitted or excluded to the extent practicable.
- July 2, 2002 - Commencement of Hearing, to begin at 10:00 a.m. in room 532, Federal Trade Commission Building, 600 Pennsylvania Avenue, N.W., Washington, D.C.

ORDERED:

  
D. Michael Chappell  
Administrative Law Judge

Date: March 5, 2002