

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN VAPORIZER DEVICES,
CARTRIDGES USED THEREWITH, AND
COMPONENTS THEREOF

INV. NO. 337-TA-1368

ORDER NO. 7: PROCEDURAL SCHEDULE

(September 6, 2023)

Complainants JUUL Labs, Inc.; and VMR Products LLC, and respondents NJOY, LLC; NJOY Holdings, Inc.; Altria Group, Inc.; Altria Group Distribution Company; and Altria Client Services LLC, and the Commission Investigative Staff submitted a proposed procedural schedule on August 30, 2023, in response to Order No. 4. The proposed schedule was discussed during a preliminary conference held on August 31, 2023. Following that discussion, this investigation will be conducted based on the following schedule.

| Event | Date |
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| Monthly case management conference | September 28, 2023, 1:00 p.m. ET |
| Initial deadline for responses to contention interrogatories on issues for which the responding party bears the burden of proof | October 3, 2023 |
| Initial deadline for responses to contention interrogatories on issues for which the responding party does not bear the burden of proof | October 17, 2023 |
| Exchange list of claim terms to be construed | October 18, 2023 |
| Exchange proposed constructions for all terms on all lists | October 25, 2023 |
| Monthly case management conference | October 26, 2023, 1:00 p.m. ET |

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| Meet and confer to limit claim construction disputes | October 31, 2023 |
| File chart of agreed and disputed constructions | November 7, 2023 |
| File identification of expert witnesses, including their expertise and curriculum vitae | November 9, 2023 |
| File notice of prior art | November 14, 2023 |
| File opening claim construction briefs | November 16, 2023 |
| Monthly case management conference | November 29, 2023, 1:00 p.m. ET |
| File responsive claim construction briefs | December 5, 2023 |
| Submit claim construction hearing exhibits and demonstratives | December 15, 2023, 12:00 p.m. ET |
| Claim construction hearing and monthly case management conference | December 18, 2023, 9:00 a.m. ET |
| File tentative list of witnesses a party will call to testify at the hearing, with an identification of each witness's relationship to the party | December 20, 2023 |
| Deadline for motions to compel discovery | January 5, 2024 |
| Cut-off date for supplements to contention interrogatories on issues for which the responding party bears the burden of proof | January 5, 2024 |
| Cut-off date for supplements to contention interrogatories on issues for which the responding party does not bear the burden of proof | January 12, 2024 |
| Fact discovery cutoff and completion | January 12, 2024 |
| Exchange initial expert reports (identify tests/surveys/data) | January 19, 2024 |
| Monthly case management conference | January 31, 2024, 1:00 p.m. ET |
| Exchange rebuttal expert reports | January 31, 2024 |
| Deadline for filing summary determination motions | March 1, 2024 |
| Expert discovery cutoff and completion | February 16, 2024 |
| Exchange of exhibit lists among the parties | March 13, 2024 |
| Complainant and respondent serve proposed direct exhibits, including direct demonstrative exhibits, and identify physical exhibits | March 18, 2024 |

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| Commission investigative attorney serves proposed direct exhibits, including direct demonstrative exhibits, and identifies physical exhibits | March 19, 2024 |
| Monthly case management conference | March 6, 2024, 1:00 p.m. ET |
| Serve proposed rebuttal exhibits, including rebuttal demonstrative exhibits, and identify rebuttal physical exhibits | March 21, 2024 |
| All parties file pre-hearing statements and briefs | March 26, 2024 |
| File joint list of unopposed exhibits | March 28, 2024 |
| One-day mediation session | By March 15, 2024 |
| Submit joint report on mediation | Within five business days after mediation |
| Deadline for motions <i>in limine</i> | April 2, 2024 |
| File responses to motions <i>in limine</i> | April 9, 2024 |
| Final prehearing conference | May 2, 2024, 9:00 a.m. ET |
| Evidentiary Hearing | May 2-9, 2024 |
| File final exhibit list | May 16, 2024 |
| All parties file initial post-hearing briefs and submit final exhibits (original set) | May 23, 2024 |
| All parties file responsive post-hearing briefs | June 5, 2024 |
| Final initial determination on violation | August 9, 2024 |
| Target date for completion of investigation (16-month target date) | December 9, 2024 |

SO ORDERED.


 Doris Johnson Hines
 Administrative Law Judge