**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

| **In the Matter of**<br><br>**CERTAIN DISPOSABLE VAPORIZER DEVICES** | **Inv. No. 337-TA-1410** |
|---|---|

**ORDER NO. 9: PROCEDURAL SCHEDULE**

(August 26, 2024)

Pursuant to Order No. 8 (August 13, 2024), Complainants RAI Strategic Holdings, Inc. ("RAI"), R.J. Reynolds Vapor Company ("RJRV"), R.J. Reynolds Tobacco Company ("RJRT"), and RAI Services Company ("RAISC") (collectively, "Complainants"), Respondents SV3 LLC d/b/a Mi-One Brands; Breeze Smoke, LLC, and Dongguan (Shenzhen) Shikai Technology Co., Ltd.; Bidi Vapor, LLC; Pastel Cartel, LLC, American Vape Company, LLC, and Affiliated Imports, LLC.; Shenzhen Kangvape Technology Co., Ltd.; Shenzhen Pingray Technology and Shenzhen Yanyang Technology Co., Ltd.; Maduro Distributors, Inc.(d/b/a The Loon); TheSy, LLC (d/b/a Element Vape); Zhuhai Qisitech Co., Ltd., Guangdong Qisitech Co., Ltd., Guangdong Fuwo Intelligent Manufacturing Co., Ltd. and Guangdong Cellular Workshop Electronics Technology Co., Ltd., Shenzhen IVPS Technology Co., Ltd., Price Point Distributors Inc. d/b/a Price Point NY (collectively, "Respondents"), and the Office of Unfair Import Investigations ("Staff") submitted a joint proposed procedural schedule for the permanent relief phase of the investigation.[1] The proposed procedural schedule complies with the framework set forth in Ground Rule 2.[2]

[1] A separate procedural schedule governs the temporary enforcement proceedings. *See* Order No. 7 (July 31, 2024).

The investigation shall proceed with the deadlines set forth below:

| **Event** | **Proposed Date** |
|---|---|
| Exchange list of claim terms to be construed | October 4, 2024 |
| Initial deadline for responses to contention interrogatories on issues for which the responding party bears the burden of proof, and on public interest issues (if applicable) | October 11, 2024 |
| Exchange proposed claim constructions – Private Parties | October 11, 2024 |
| Exchange proposed claim constructions - Staff | October 16, 2024 |
| File identification of expert witnesses, including their expertise and curriculum vitae | October 18, 2024 |
| Meet and confer to discuss and limit number of disputed claim terms | October 18, 2024 |
| File joint status report outlining whether *Markman* hearing is required | October 21, 2024 |
| File joint proposed claim construction chart | October 23, 2024 |
| Initial deadline for responses to contention interrogatories on issues for which the responding party does not bear the burden of proof | October 25, 2024 |
| Initial *Markman* Briefs if required | November 1, 2024 |
| Exchange of initial expert reports (if any) on claim construction issues | November 1, 2024 |
| Cut-off date for supplements to contention interrogatories on issues for which the responding party bears the burden of proof, and on public interest issues (if applicable) | November 7, 2024 |
| Initial *Markman* Briefs if required - Staff | November 12, 2024 |

[2] Respondents who enter an appearance after the date of this Order should meet and confer with Complainants, Respondents, and Staff regarding the Procedural Schedule and provide any supplements in a Joint Submission within two weeks of entry of appearance. Any such submission should explain the timing of Respondents' appearance.

| Event | Proposed Date |
|---|---|
| Deadline for motions to compel fact discovery | November 20, 2024 |
| Cut-off date for supplements to contention interrogatories on issues for which the responding party does not bear the burden of proof | November 22, 2024 |
| Fact discovery cutoff and completion | November 22, 2024 |
| Rebuttal *Markman* Briefs if required | November 22, 2024 |
| Exchange of rebuttal expert reports (if any) on claim construction issues | November 22, 2024 |
| File Joint Technology Stipulation if required | December 6, 2024 |
| **Technology Tutorial and *Markman* Hearing if required** | **December 13, 2024** |
| Exchange of initial expert reports (identify tests/surveys/data) on issues for which the party bears the burden of proof, and on public interest issues (if applicable) | December 16, 2024 |
| File updated joint proposed claim construction chart | December 16, 2024 |
| File notice of prior art | December 16, 2024 |
| Exchange of rebuttal expert reports on issues for which the party does not bear the burden of proof, and on public interest issues (if applicable) | January 10, 2025 |
| File tentative list of witnesses a party will call to testify at the hearing, with an identification of each witness' relationship to the party | January 10, 2025 |
| Expert discovery cutoff and completion | January 24, 2025 |
| Deadline for motions to compel expert discovery | January 31, 2025 |
| Attendance at one-day mediation session | By February 1, 2025 |
| Deadline for filing summary determination motions | February 6, 2025 |
| Deadline to file requests for remote witness testimony | February 7, 2025 |

| Event | Proposed Date |
|---|---|
| Submission of joint report on mediation | By February 7, 2025 |
| Deadline to file responses to requests for remote witness testimony | February 14, 2025 |
| Exchange of exhibit lists among the parties | February 17, 2025 |
| Exchange proposed direct exhibits, with physical exhibits available – Complainant(s) and Respondent(s) | February 21, 2025 |
| Exchange proposed direct exhibits, with physical exhibits available – Staff | February 25, 2025 |
| Exchange proposed rebuttal exhibits, with physical exhibits available – all parties | February 28, 2025 |
| File pre-hearing statements and briefs – Complainant(s) and Respondent(s) | March 4, 2025 |
| File pre-hearing statement and brief – Staff | March 14, 2025 |
| File requests for receipt of evidence without a sponsoring witness | March 14, 2025 |
| Deadline to file motions *in limine* | March 14, 2025 |
| Deadline to file high priority objections statement | March 14, 2025 |
| File responses to requests for receipt of evidence without a sponsoring witness | March 21, 2025 |
| Submit proposed exhibits to Administrative Law Judge | March 21, 2025 |
| File responses to motions *in limine* | March 21, 2025 |
| File responses to high priority objections statement | March 21, 2025 |
| **Pre-hearing conference** | **April 4, 2025** |
| **Hearing** | **April 7-11, 2025** |
| File initial post-hearing briefs and exhibit lists and submit final exhibits | April 25, 2025 |
| File reply post-hearing briefs | May 9, 2025 |

| Event | Proposed Date |
| --- | --- |
| **Initial Determination** | **July 21, 2025** |
| **Target date for completion of investigation** | **November 24, 2025** |

**SO ORDERED.**

Monica Bhattacharyya
Administrative Law Judge



TSMC Exhibit 1118, Page 5 of 11
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## PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Vu Bui, Esq.,** and upon the following parties as indicated, on **August 27, 2024**.

Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
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