UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of **CERTAIN WEARABLE ELECTRONIC DEVICES WITH ECG FUNCTIONALITY AND COMPONENTS THEREOF**	**Inv. No. 337-TA-1266**

ORDER NO. 6: SETTING PROCEDURAL SCHEDULE

(June 25, 2021)

In accordance with the parties' proposed procedural schedule, submitted in response to Order No. 5, I hereby adopt the Procedural Schedule set forth in Appendix A of the joint proposal (and attached to this Order) as the procedural schedule in this Investigation, with the exception of the date for filing reply post-trial briefs. The date for this filing will be Monday, April 25, 2022. The due date for the final initial determination is set at Monday, June 27, 2022.

The adopted schedule assumes that the Markman hearing will be held by WebEx videoconference, and the parties should prepare accordingly.

Lastly, although the schedule assumes that witnesses will testify in real time (that is, that witness statements will not be used), they may need to testify via WebEx videoconference. If this cannot be accomplished, the schedule may need to be modified to use witness statements in lieu of direct testimony. The need for witness statements, and for any other accommodations, will be evaluated on an ongoing basis.

These dates and the forum for the scheduled hearings, either via WebEx or in-person, are subject to change because of restrictions and uncertainty due to the COVID-19 pandemic.

SO ORDERED.

Cameron Elliot
Administrative Law Judge

APPENDIX A

Event	Date
File identification of expert witnesses, including their expertise and curriculum vitae	July 23, 2021
File identification of rebuttal expert witnesses, including their expertise and curriculum vitae (if different than affirmative experts)	August 6, 2021
Exchange list of claim terms to be construed	August 18, 2021
Private parties exchange proposed claim constructions	August 27, 2021
Staff exchanges proposed claim constructions	September 3, 2021
Meet and confer to discuss and limit number of disputed claim terms	September 9, 2021
Initial deadline for responses to contention interrogatories on issues for which the responding party bears the burden of proof	September 10, 2021
Submission of joint proposed claim construction chart	September 13, 2021
Initial *Markman* Briefs (private parties)	September 22, 2021
File notice of prior art	September 24, 2021
Initial *Markman* Brief (Staff)	October 1, 2021

Event	Date
Initial deadline for responses to contention interrogatories on issues for which the responding party does not bear the burden of proof	October 8, 2021
Rebuttal *Markman* Briefs	October 13, 2021
Joint Tutorial and *Markman* Hearing	October 26-27, 2021
Submission of updated joint proposed claim construction chart	November 5, 2021
Deadline to meet and confer regarding reducing the number of claims and prior art references	November 8, 2021
Cut-off date for supplements to responses to contention interrogatories on issues for which the responding party bears the burden of proof	November 12, 2021
File tentative lists of witnesses a party will call to testify at the hearing, with an identification of each witness' relationship to the party	November 12, 2021
Deadline for AliveCor to reduce the number of asserted claims	November 12, 2021
Deadline for Apple to reduce the number of asserted invalidity theories for each asserted patent (including narrowing the number of prior art references and combination(s) thereof)	November 17, 2021
Cut-off date for supplements to responses to contention interrogatories on issues for which the responding party does not bear the burden of proof	November 24, 2021
Fact discovery cut-off and completion	December 10, 2021
Deadlines for motions to compel fact discovery	December 13, 2021
Exchange of initial expert reports (identify tests/surveys/data)	December 20, 2021
Exchange of rebuttal expert reports	January 14, 2022
Deadline for filing motions for summary determination	January 27, 2022
Expert discovery cutoff and completion	February 2, 2022
Exchange of exhibit lists among the parties	February 4, 2022
Submit and serve exhibits, with physical exhibits available – Complainant and Respondents	February 8, 2022
Submit and serve exhibits, with physical exhibits available – Staff	February 11, 2022

Event	Date
Submit and serve rebuttal exhibits, with rebuttal physical exhibits available – all parties	February 16, 2022
File pre-trial statements and briefs – Complainant and Respondents	February 22, 2022
File pre-trial statement and brief – Staff	March 3, 2022
Deadline to file motions *in limine*	March 7, 2022
File responses to motions *in limine*	March 17, 2022
Pre-trial conference	March 28, 2022
Hearing	Mar. 28-Apr. 1, 2022
File initial post-trial briefs and final exhibit lists	April 15, 2022
File reply post-trial briefs	April 25, 2022
Initial Determination	June 27, 2022
Target date for completion of investigation	October 26, 2022

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Whitney Winston, Esq.**, and the following parties as indicated, on **June 25, 2021**.

Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

On Behalf of Complainant AliveCor, Inc. :

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☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondent Apple Inc.:

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