**UNITED STATES INTERNATIONAL TRADE COMMISSION**
**Washington, D.C.**

| **In the Matter of**<br><br>**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

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