

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. 19: REGARDING EVIDENTIARY HEARING AND
VIDEOCONFERENCE PROTOCOL**

(March 17, 2022)

The parties are hereby advised of the following rules and notices regarding the upcoming Evidentiary Hearing which will be conducted over videoconference using the Webex Meetings platform. The Hearing will commence at 9:00 a.m. EDT on Monday, March 28, 2022. Each hearing day will run approximately to 5:15 p.m. EDT.

General

- Prior to the hearing, my attorney advisor or legal assistant will email a Webex Meeting invitation to the parties' service email lists, and may be forwarded without restriction to additional counsel/clients
- Webex meeting participation may be done either through a web browser or a dedicated desktop application
- To the best of my knowledge, the desktop application offers the most complete functionality
- If a web browser is used, a Webex plugin is available that should provide additional functionality

- One example of useful functionality that may not be available through participation with an ordinary web browser is the ability to annotate shared documents (*e.g.*, mark up demonstratives)
- It is therefore recommended that meeting participants use either the desktop application or a Webex plugin enabled browser, and experiment with the available tools/features prior to the hearing
- To aid identification of hearing participants, participant Profile Names will include the following designations:
 - If you attend on behalf of a complainant, put a “[C]” before your first name (*e.g.*, “[C] Cameron Elliot”)
 - If you attend on behalf of a respondent, put an “[R]” before your first name (*e.g.*, “[R] Cameron Elliot”)
 - The Commission Investigative Staff attorney(s) should put an “[S]” before their first name (*e.g.*, “[S] Cameron Elliot”)
 - Members of the Office of the Administrative Law Judges will put an “[OALJ]” before their first name (*e.g.*, “[OALJ] Cameron Elliot”)
 - If you are signed on to the protective order (or otherwise covered by it) and wish to be present for CBI sessions, **you must put a “[PO]” before the party designation** (*e.g.*, “[PO] [OALJ] Cameron Elliot”)
 - Profile Names may be edited in the “My Profile” section of Webex settings, and my attorney advisor can provide guidance on this if needed

- A hearing day usually involves two short breaks in addition to a lunch break; the Webex meeting will stay active during these times but an OALJ staff member may not necessarily be present

Microphones and Cameras

- Live microphone and camera (*i.e.*, microphone and camera on) are required at all times for the attorney who is examining a witness or presenting argument, the attorney who is defending the witness or presenting argument, and the Commission Investigative Staff (*i.e.*, one attorney for complainant, one attorney for respondent, and Commission Investigative Staff)
- Live microphone is required for the court reporter at all times, with the camera status (*i.e.*, on or off) up to the court reporter's discretion
- All other meeting participants who are not speaking should turn their microphones off (*i.e.*, muted) and cameras off
 - If some other participant needs to speak, they will turn their microphone and camera on, and then off when done
- Essentially, camera on is equivalent to standing up in the courtroom or having an active role in witness examination
- During a CBI session, persons without a [PO] in their participant name will be moved to the Webex Meeting "lobby" in which the participant can neither see nor hear from any other participant. These persons will be automatically moved back to the meeting when the public session resumes

Attorney Presentation

- During the Evidentiary Hearing, the presenting attorney, or a technical assistant, will have the Webex “presenter” role
- Importantly, the “presenter” role allows for the presentation of exhibits to the witness and the court through screen/application window sharing
 - Presenters are cautioned to be careful with their selection of which screen/application window to share to avoid disclosing private/privileged content
 - Presenters are encouraged to explore those Webex tools available during shared screens/applications, such as annotations
- The “host” of the meeting (usually, the ALJ or the ALJ’s attorney advisor) may assign and move the presenter role among participants, although the presenter role is also assigned automatically when a participant begins sharing content

If the parties have any further questions, they should be directed to my attorney-advisor.

SO ORDERED.



Cameron Elliot
Administrative Law Judge