

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN TOBACCO HEATING ARTICLES  
AND COMPONENTS THEREOF

INV. NO. 337-TA-1199

ORDER NO. 5: PROCEDURAL SCHEDULE

(June 11, 2020)

On June 9, 2020, the parties submitted a joint proposed procedural schedule in response to Order No. 4. This investigation shall be conducted in accordance with the following schedule:

Event	Date
Deadline for responses to contention interrogatories on issues for which the party bears the burden of proof	July 2, 2020
Monthly case management conference	July 15, 2020 at 10:00 a.m. ET
Deadline for responses to contention interrogatories on issues for which the party does not bear the burden of proof	July 23, 2020
Exchange list of claim terms to be construed	July 27, 2020
File tentative list of witnesses a party will call to testify at the hearing, with an identification of each witness' relationship to the party	July 29, 2020
Complainant and respondent exchange proposed constructions for all terms on all lists	July 30, 2020
File notice of prior art	July 31, 2020

RAI Strategic Holdings, Inc.  
Exhibit 2002  
Philip Morris Products, S.A. v. RAI Strategic Holdings, Inc.  
IPR2020-01602

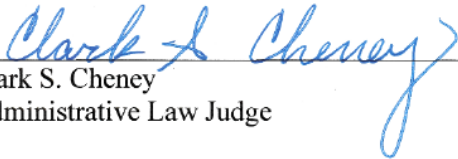
<b>Event</b>	<b>Date</b>
File identification of expert witnesses who may testify at the Markman hearing, including their expertise and curriculum vitae	August 4, 2020
Staff serves proposed constructions for all terms on all lists	August 5, 2020
File chart of agreed and disputed constructions	August 7, 2020
<b>Monthly case management conference</b>	<b>August 12, 2020 at 10:00 a.m. ET</b>
File opening claim construction briefs	August 21, 2020
File responsive claim construction briefs	September 4, 2020
<b>Markman claim construction hearing &amp; monthly case management conference</b>	<b>September 17, 2020 at 9:00 a.m. ET</b>
Deadline for final contentions on issues for which the party bears the burden of proof	September 18, 2020
Deadline for final contentions on issues for which the party does not bear the burden of proof	September 25, 2020
Fact discovery cutoff and completion	September 25, 2020
Deadline for motions to compel discovery	September 25, 2020
File identification of expert witnesses who may testify at the evidentiary hearing, including their expertise and curriculum vitae	September 29, 2020
Exchange initial expert reports (identify tests/surveys/data)	October 5, 2020
<b>Monthly case management conference</b>	<b>October 14, 2020 at 10:00 a.m. ET</b>
Exchange rebuttal expert reports	October 23, 2020
<b>Monthly case management conference</b>	<b>November 11, 2020 at 10:00 a.m. ET</b>
Expert discovery cutoff and completion	November 13, 2020
Deadline for filing summary determination motions	November 20, 2020

<b>Event</b>	<b>Date</b>
One-day mediation session	By November 20, 2020
Exchange of exhibit lists among the parties of proposed direct exhibits	November 23, 2020
Complainant and respondent serve proposed direct exhibits and identify physical exhibits <sup>1</sup>	November 30, 2020
Submit joint report on mediation	December 1, 2020
Staff serves proposed direct exhibits, including prepared demonstrative exhibits, and identifies physical exhibits	December 4, 2020
Serve proposed rebuttal exhibits, including rebuttal demonstrative exhibits, and identify rebuttal physical exhibits	December 8, 2020
Complainant and respondent file pre-trial statements and briefs	December 11, 2020
<b>Monthly case management conference</b>	<b>December 16, 2020 at 10:00 a.m. ET</b>
Staff files pre-trial statement and brief	December 22, 2020
Deadline for motions <i>in limine</i>	January 7, 2021
Deadline for responses to motions <i>in limine</i>	January 14, 2021
File joint list of unopposed exhibits	January 14, 2021
<b>Final pre-hearing conference</b>	<b>January 22, 2021</b>
<b>Hearing</b>	<b>January 25-29, 2021</b>
File final exhibit list	February 5, 2021
Complainant and respondent file post-hearing initial briefs with the Secretary and submit final exhibits to the Administrative Law Judge	February 12, 2021
Staff files post-hearing initial brief	February 19, 2021

<sup>1</sup> As discussed at the initial case management conference held on June 10, 2020, the parties may jointly stipulate to exchanging demonstrative exhibits at another time.

<b>Event</b>	<b>Date</b>
Complainant and respondent file post-hearing responsive briefs	February 26, 2021
Staff files post-hearing responsive brief	March 5, 2021
<b>Initial determination due</b>	<b>May 14, 2021</b>
<b>Target date for completion of investigation</b>	<b>September 15, 2021</b>

**SO ORDERED.**

  
Clark S. Cheney  
Administrative Law Judge

**CERTAIN TOBACCO HEATING ARTICLES AND  
COMPONENTS THEREOF**

**Inv. No. 337-TA-1199**

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Sarah Sladic, Esq.**, and the following parties as indicated, on **June 12, 2020**.



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

**On Behalf of Complainants RAI Strategic Holdings, Inc., R.J.  
Reynolds Vapor Company, and R.J. Reynolds Tobacco  
Company:**

David M. Maiorana, Esq.  
**JONES DAY**  
901 Lakeside Avenue  
Cleveland, OH 44114  
Email: dmaiorana@jonesday.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification  
of Availability for Download

**On Behalf of Respondents Altria Client Services LLC, Altria  
Group, Inc., Philip Morris USA, Inc., Philip Morris  
International Inc., and Philip Morris Products S.A.:**

Maximilian A. Grant, Esq.  
**LATHAM & WATKINS LLP**  
555 Eleventh Street, NW, Suite 1000  
Washington, DC 20004  
Email: max.grant@lw.com

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