

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN VAPORIZER DEVICES,
CARTRIDGES USED THEREWITH, AND
COMPONENTS THEREOF II**

Investigation No. 337-TA-1460

ORDER NO. 19: AMENDING PROCEDURAL SCHEDULE

(January 30, 2026)

The parties move to amend the procedural schedule. Motion Docket No. 1460-06 (EDIS Doc. ID 870258). The motion is joint regarding proposed amendments to certain deadlines for fact and expert discovery and for summary determination motions. *Id.* at 1–5. The parties disagree on whether to move to amend the dates of the evidentiary hearing and related deadlines. *Id.* at 5–9. Attachment A to the motion sets forth the parties’ joint and competing proposals. For the reasons herein, the motion is granted in part and denied in part. The amended procedural schedule is attached to this order.

“Modifications to the procedural schedule shall be made following a written motion demonstrating good cause.” Order No. 2 (Ground Rules) at G.R. 4 (EDIS Doc. ID 861849). In general, “any [summary determination] motion by any party in connection with the issue of permanent relief ... must be filed at least 60 days before the date fixed for any hearing provided for in [19 C.F.R.] § 210.36(a)(1),” but, “[u]nder exceptional circumstances and upon motion, the presiding administrative law judge may determine that good cause exists to permit a summary determination motion to be filed out of time.” 19 C.F.R. § 210.18(a). “After the target date has

been set, it can be modified by the administrative law judge for good cause shown before the investigation is certified to the Commission.” *Id.* § 210.51(a).

Discovery-related deadlines. The parties jointly move to extend the following discovery-related deadlines: (a) to cutoff and complete fact discovery; (b) to file motions to compel discovery; (c) to exchange initial expert reports (identifying tests/surveys/data); (d) to submit a joint statement regarding proposed word limits for the pre-hearing briefs; (e) to exchange rebuttal expert reports; and (f) to cutoff and complete expert discovery. Mot. at 1–3.

Fact discovery was set to close on January 21, 2026. *See* Order No. 8 (Amended Procedural Schedule) at 2 (EDIS Doc. ID 864838). According to the parties, good cause exists for the fact-discovery extensions because of “the large number of fact witnesses noticed for deposition”—including “a combined 224 corporate deposition topics and 45 combined party deposition notices and third-party subpoenas”—as well as because of “scheduling difficulties” in part due to “the recent holidays.” Mot. at 2. The parties represent that, “[s]o far, 15 party and third-party depositions have taken place,” “[n]ine additional fact depositions are scheduled with the last fact deposition set for February 10, 2026,” and the geographically dispersed deponents include “the named inventors of the [asserted] patent, prior prosecution counsel, engineers and scientists with knowledge of the accused and domestic industry products, and third-parties with first-hand knowledge of facts relevant to inventorship, prior art, and inequitable conduct.” *Id.* at 2–3.

Expert discovery is set to close on February 20, 2026. *See* Order No. 8 at 2. According to the parties, good cause exists for the expert-discovery extensions to “accommodate the necessary extensions to the fact discovery schedule” and because JUUL has “needed to spend additional time and resources, that it did not expect to spend, on vetting, engaging, retaining, and disclosing additional experts to help address the issues” on which a withdrawn expert will no longer opine.

Mot. at 3 and *see* Order No. 15 (EDIS Doc. ID 868759) (granting extension of time to file identifications of expert witnesses in view of unexpected circumstances).

Lacking opposition and for good cause shown, the above-requested amendments to the fact- and expert-discovery deadlines are GRANTED. The Attachment to this order reflects these amendments.

Summary determination deadline. The parties also jointly move to file any summary determination motions by March 20, 2026, which is fewer than sixty days before the start of the evidentiary hearing. Mot. at 4 and 5. According to the parties, the exceptional circumstances justifying this out-of-time extension include “the number of fact depositions remaining to be taken,” the unexpected withdrawal of one of JUUL’s experts, “and the additional work performed in compliance with the additional discovery orders issued in this case following the January 8, 2026 case management conference, including Order No. 16 [EDIS Doc. ID 869314].” *Id.* at 4. The parties state that, without the requested extension, they would need to file any summary-determination motions before expert discovery closed, whereas the extension would “allow the Parties to provide more complete briefing that accounts for expert testimony and opinions” and would “give the parties sufficient time to confer regarding any noticed motions for summary determination and potentially resolve issues to avoid unnecessary motion practice.” *Id.*

Lacking opposition and for exceptional circumstances and good cause shown, the requested extension to the summary-determination-motion deadline is GRANTED. Any summary determination motions are due by March 20, 2026.

Evidentiary hearing dates. The parties dispute whether to request a change in the dates for the evidentiary hearing, which is currently scheduled for April 22–24, 27, and 28, 2026. Order No. 8 at 3. JUUL advocates for the currently scheduled dates, whereas NJOY seeks to move the

evidentiary hearing to June 3–5, 8, and 9, 2026. Mot. at 5–9 and Attachment A. In support of its position, NJOY identifies ongoing discovery, including the number of potential NJOY trial witnesses identified on JUUL’s tentative witness list, expected “additional motion practice,” and “JLI’s acknowledged privilege waiver that is still not resolved.” *Id.* at 7–9.

NJOY does not present good cause for changing the hearing dates. As for ongoing discovery, the parties’ requested extensions have been accepted. To the extent discovery disputes remain, they should be raised promptly for resolution per the procedures in the Ground Rules. If the issues need urgent attention before a monthly case management conference, the parties can request an additional conference. Moreover, NJOY’s requested dates would interfere with my obligations in other investigations, including *Certain Vaporizer Devices, Cartridges Used Therewith, and Components Thereof*, where the evidentiary hearing is scheduled for June 17, 18, and 22–24, 2026. Inv. No. 1464, Order No. 7 (Procedural Schedule) at 3 (EDIS Doc. ID 868868). *See also Certain Wearable Devices*, Inv. No. 337-TA-1478, Order No. 6 at 2 (EDIS Doc. ID 870855) (scheduling claim construction hearing for June 3, 2026) and *Certain Smart Wearable Devices, Systems, and Components Thereof*, Inv. No. 337-TA-1468, Order No. 8 at 3 (EDIS Doc. ID 868758) (scheduling case management conference for June 9, 2026).

NJOY’s request to change the dates of the evidentiary hearing is DENIED.

Other dates. The parties also dispute whether or how much to adjust other pre-hearing deadlines. Mot. at 4 and Attachment A. Based on the discovery and summary-determination amendments discussed above, I have determined to amend the deadlines for (a) exchanging exhibit lists among the parties, including identifying physical exhibits; (b) serving stamped exhibits; (c) the one-day mediation session; (d) filing pre-hearing statements and briefs; (e) filing any motions

in limine; and (f) filing responses to any motions *in limine*. The Attachment to this order reflects these amendments.

Motion No. 1460-06 is GRANTED-IN-PART and DENIED-IN-PART.

SO ORDERED.



Doris Johnson Hines
Administrative Law Judge

Attachment

(Amended Procedural Schedule)

Event	Date
File identification of expert witnesses, including their expertise and curriculum vitae	February 2, 2026
Monthly case management conference	February 11, 2026, at 11:00 am ET
Fact discovery cutoff and completion—only for supplementing document productions and discovery responses, completing depositions, and completing third-party discovery	February 11, 2026
Deadline for motions to compel discovery	February 13, 2026
Exchange initial expert reports (identify tests/surveys/data)	February 20, 2026
Parties submit joint statement regarding proposed word limits for pre-hearing briefs	February 24, 2026
Exchange rebuttal expert reports	March 6, 2026
Monthly case management conference	March 11, 2026, at 11:00 am ET
Expert discovery cutoff and completion	March 18, 2026
Deadline for summary determination motions	March 20, 2026
Exchange of exhibit lists among the parties, including identification of physical exhibits	March 25, 2026
Parties serve stamped exhibits	March 30, 2026
One-day mediation session	On or before April 1, 2026
Submit joint report on mediation	Within five business days after mediation
Parties file pre-hearing statements and briefs	April 1, 2026
Deadline for motions <i>in limine</i>	April 6, 2026
File responses to motions <i>in limine</i>	April 13, 2026
Parties file statement of uncontested claim elements	April 15, 2026
File joint list of unopposed exhibits	April 17, 2026

Event	Date
Final prehearing conference	April 22, 2026, at 9:00am ET
Evidentiary Hearing	April 22-24, 27, and 28, 2026
File final exhibit list	May 5, 2026
Parties file initial post-hearing briefs and submit final exhibits (original set)	May 14, 2026
Parties file responsive post-hearing briefs and file updated statement of uncontested claim elements	May 28, 2026
Final initial determination on violation	September 11, 2026
Target date to complete investigation (16 months)	January 12, 2027