

UNITED STATES INTERNATIONAL TRADE COMMISSION

In the Matter of:)	Investigation No.
CERTAIN VAPORIZER DEVICES,)	337-TA-1460
CARTRIDGES USED THEREWITH, AND)	
COMPONENTS THEREOF II)	

OPEN SESSIONS

Pages: 1 through 174 (with excerpts)
Place: Washington, D.C.
Date: January 8, 2026

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1 UNITED STATES INTERNATIONAL TRADE COMMISSION
 2 Washington, D.C.
 3 BEFORE THE HONORABLE DORIS JOHNSON HINES
 4 Administrative Law Judge

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 6 In the Matter of:) Investigation No.
 7 CERTAIN VAPORIZER DEVICES,) 337-TA-1460
 8 CARTRIDGES USED THEREWITH, AND)
 9 COMPONENTS THEREOF II)

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 12 International Trade Commission
 13 500 E Street, S.W.
 14 Washington, D.C.

15
 16 Thursday, January 8, 2026

17
 18 MARKMAN HEARING
 19 AND CASE MANAGEMENT CONFERENCE

20
 21 The Hearing commenced remotely, pursuant to the
 22 notice of the Judge, at 9:01 a.m. Eastern.

23
 24 Reported by: Marjorie Peters, FAPR, RMR, CRR

25

1 APPEARANCES:

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1 P R O C E E D I N G S

2 (9:01 a.m.)

3 JUDGE JOHNSON HINES: Good morning, everyone.
4 Please be seated.

5 We're here in the matter of Certain Vaporizer
6 Devices, Cartridges Used Therewith, and Components Thereof
7 II, Investigation Number 337-TA-1460.

8 May I have appearances from counsel, please.
9 We'll start with the Complainant.

10 MR. WINTNER: Good morning, Your Honor. Thomas
11 Wintner from Mintz on behalf of Complainant, JUUL Labs,
12 Inc.

13 MR. CUOMO: Good morning, Your Honor. Peter
14 Cuomo from Mintz Boston on behalf of Complainant, JLI.

15 MS. METELL: Good morning, Your Honor. Amanda
16 Metell on behalf of Complainant, JUUL Labs, Inc.

17 MR. LYONS: Good morning, Your Honor. Samuel
18 Lyons, Mintz Boston, on behalf of Complainant.

19 JUDGE JOHNSON HINES: Good morning.

20 MR. HURLEY: Good morning, Your Honor. Matt
21 Hurley from Mintz, also on behalf of JLI.

22 JUDGE JOHNSON HINES: Good morning.

23 All right. For Respondents.

24 MR. ELACQUA: Good morning, Your Honor.
25 Benjamin Elacqua on behalf of the Respondents, Your Honor.

1 argument, consistent with the procedural schedule and the
2 deadline for identifying testing which is January 30th.

3 JUDGE JOHNSON HINES: Okay. So I think we
4 are -- we've talked about what's in the discovery letters?
5 I don't think there's anything else. Okay.

6 MR. CUOMO: Yes, Your Honor.

7 JUDGE JOHNSON HINES: So the other issue,
8 Mr. Kazi, you wanted to raise was with respect to the
9 procedural schedule.

10 Have the parties discussed this? Any changes to
11 the procedural schedule, Mr. Elacqua?

12 MR. ELACQUA: Your Honor, we have briefly
13 discussed some of the issues that are going to necessitate
14 a request to Your Honor about the procedural schedule. We
15 haven't done yet, and I think our plan is to do that is
16 sort of line up the math on the dates, and how those dates
17 would work out in light of Your Honor's rulings today as
18 well.

19 JUDGE JOHNSON HINES: Okay.

20 MR. ELACQUA: Just based on what we are
21 currently doing, today, you know, January 8th, not a single
22 deposition has been taken place yet. We have depositions
23 tentatively scheduled over the next -- basically the next
24 month. We would need to seek leave already to deal with
25 some of those depositions, which would happen after January

1 21st. Both parties and third parties, including third
2 parties that we haven't heard from yet that have been
3 subpoenaed.

4 JUDGE JOHNSON HINES: All right. So I would
5 like the parties to discuss this before they make any
6 proposal to me. I think it's premature for me to, you
7 know, say anything about what our schedule is or what it
8 may be.

9 One thing: I know there are some moving parts
10 here. I don't think the parties should delay in doing the
11 discovery they can do because other things are still
12 happening.

13 So if that's helpful, maybe it is, maybe it's
14 not. But I think the parties should discuss that. If you
15 have a proposal, then make it. I want to keep the hearing
16 where the hearing is.

17 Other than that, the parties can reach
18 agreement, I would be generally amenable to the changes the
19 parties need to get the discovery they need to get.

20 MR. ELACQUA: Your Honor, maybe a suggestion is
21 in light of the rulings today and discussions today.
22 There's a January 15th deadline already. If we could meet
23 and confer and submit no later than that our proposal on
24 the procedural schedule, unless you would like it before
25 that.

1 MR. ELACQUA: Understood, Your Honor.

2 JUDGE JOHNSON HINES: But what I'm saying is in
3 light of the other things that the parties are going to be
4 discussing, if the parties agree, or disagree in some way,
5 but think dates need to be changed, I'll consider it.

6 MR. ELACQUA: Thank you, Your Honor.

7 JUDGE JOHNSON HINES: All right.

8 MR. CUOMO: Your Honor, the parties have
9 discussed those deposition dates, and we're open to
10 continuing those discussions.

11 JUDGE JOHNSON HINES: Okay. All right.

12 Is there anything else we need to discuss today?

13 MR. CUOMO: Not in from JLI, Your Honor.

14 MR. ELACQUA: Nothing from my side, Your Honor.
15 We appreciate the hearing today.

16 JUDGE JOHNSON HINES: Thank you.

17 I do want to thank you for the claim
18 construction presentations. They were terrific. So thank
19 you for those. Thank you for your preparation on the other
20 issues as well.

21 MR. CUOMO: Thank you, Your Honor.

22 MR. ELACQUA: Thank you, Your Honor.

23 JUDGE JOHNSON HINES: All right.

24 (Whereupon, the Markman Hearing was concluded
25 at 1:05 p.m.)

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C O N T E N T S

CONFIDENTIAL SESSIONS:

87-87; 90-102; 107-117; 127-144

1 CERTIFICATE OF REPORTER
2 TITLE: In the Matter of: CERTAIN VAPORIZER DEVICES,
3 CARTRIDGES USED THEREWITH, AND COMPONENTS THEREOF II
4 INVESTIGATION NO: 337-TA-1460
5 HEARING DATE: Thursday, January 8, 2026
6 LOCATION: Courtroom C
7 NATURE OF HEARING: Markman Hearing

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