

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SMART THERMOSTATS,
SMART HVAC SYSTEMS, AND
COMPONENTS THEREOF**

Inv. No. 337-TA-1185

Order No. 12

On July 15, 2020, complainant EcoFactor, Inc.; respondents Google LLC; ecobee Ltd. and ecobee, Inc.; Vivint, Inc.; Alarm.com Incorporated and Alarm.com Holdings, Inc.; and the Commission Investigative Staff filed a “Joint Motion to Amend the Procedural Schedule.” Motion Docket No. 1185-27. Respondents Schneider Electric USA, Inc. and Schneider Electric SE (collectively, “the Schneider Respondents”) take no position with respect to this motion.¹ The motion was precipitated by recent and ongoing developments surrounding the COVID-19 pandemic.

The administrative law judge has determined to adopt the dates jointly proposed by the parties in Motion Exhibit 1. Consequently, the procedural schedule is amended, as follows:

¹ Complainant EcoFactor, Inc. and the Schneider Respondents filed a motion to “terminate this Investigation as to the Schneider Respondents based on a settlement between EcoFactor and the Schneider Respondents.” *See* Motion No. 1185-26 (July 14, 2020).

Event	Current Date	Amended Date
Expert discovery cutoff and completion	July 22, 2020	July 31, 2020
Parties file joint technology stipulation	July 24, 2020	July 31, 2020
Exchange of direct exhibit lists among the parties (to remove duplicative exhibits)	July 28, 2020	August 12, 2020
Exchange direct exhibits (including witness statements), with physical and demonstrative exhibits available, including initial deposition designations	July 30, 2020	August 19, 2020
Deadline for second settlement conference	July 31, 2020	August 21, 2020
Exchange rebuttal exhibits (including witness statements), with physical and demonstrative exhibits available, including counter-deposition designations	August 4, 2020	September 2, 2020
File second settlement conference joint report	August 14, 2020	September 4, 2020
Private parties file prehearing statements and briefs, including (a) witness list (GR 7.a); (b) exhibit list (GR 7.b); and (c) statement of issues to be considered at the hearing (GR 7.c)	August 12, 2020	September 16, 2020
File receipt of evidence without a sponsoring witness	August 14, 2020	September 30, 2020
File high priority objections (GR 9.f)	August 26, 2020	September 30, 2020
Deadline for filing motions <i>in limine</i>	August 26, 2020	September 30, 2020
Submit proposed exhibit lists and exhibits on a single drive, including witness statements in binders and on a single drive (GR 8.a, 9.e)	August 18, 2020	September 30, 2020, provided the Commission mailroom has reopened for deliveries, otherwise contact attorney-advisor for instructions
Deadline for filing summary determination motions (19 C.F.R. § 210.18)	60 days prior to hearing date	60 days prior to hearing date

Event	Current Date	Amended Date
Staff file prehearing statement and brief	September 11, 2020	October 14, 2020
File responses to high priority objections	September 17, 2020	October 16, 2020
Deadline for filing responses to motions <i>in limine</i>	September 17, 2020	October 16, 2020
Pre-Hearing Conference	TBD	TBD
Hearing	TBD	TBD
File initial post-hearing briefs, set of final exhibits (GR 9.g), final exhibit lists (GR 9.h), and joint outline of the issues to be decided in the final ID (GR 11.a)	TBD	TBD
File reply post-hearing briefs	TBD	TBD
Deadline to submit binder set of final exhibit lists and exhibits to the Office of General Counsel	TBD	TBD
Final Initial Determination	TBD	TBD
Target Date	March 15, 2021	March 15, 2021 (may be subject to modification)

Accordingly, Motion No. 1185-27 is granted.

DPShaw

David P. Shaw
Administrative Law Judge

Issued: July 16, 2020

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **Order** has been served via EDIS upon the Commission Investigative Attorney, **Paul Gennari, Esq.**, and the following parties as indicated, on **July 16, 2020**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
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