

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

**Edwards Lifesciences Corp.
a corporation,**

and

**JenaValve Technology, Inc.
a corporation,**

Respondents.

Docket No. 9442

**PARTIES’ JOINT RESPONSE TO ORDER REGARDING
AMENDED PREHEARING SCHEDULE**

Pursuant to the Court’s September 17, 2025 Order Regarding Amended Prehearing Schedule, Complaint Counsel and Respondents Edwards Lifesciences Corp. and JenaValve Technology, Inc. provide their jointly proposed modifications to the proposed amended schedule in track changes below. The following schedule generally conforms to the Court’s proposed schedule except that it extends each deadline by approximately three months to align with the three-month continuance granted by the Commissioners.

November 10, 2025	Deadline for parties to exchange preliminary fact witness lists. <u>Parties exchanged preliminary witness lists on September 12, 2025 pursuant to the Court’s prior scheduling order.</u>
December 15, 2025 <u>January 18, 2026</u>	Deadline for Complaint Counsel and Respondents to provide expert witness lists.
January 16 <u>30</u> , 2026	Close of discovery, other than discovery permitted under Rule 3.24(a)(4), depositions of experts, and discovery for purposes of authenticity and admissibility of exhibits.

<p>January 20<u>February 3</u>, 2026</p>	<p>Deadline for Complaint Counsel to provide expert witness reports.</p>
<p>January 23<u>February 6</u>, 2026</p>	<p>Parties file Joint Status Report #1. See Additional Provisions ¶ 33.</p>
<p>January 23<u>February 6</u>, 2026</p>	<p>Complaint Counsel provides to Respondents (and a courtesy copy to the ALJ) their final proposed witness and exhibit lists, including:</p> <ul style="list-style-type: none"> - depositions, - copies of all exhibits (except for demonstrative, illustrative or summary exhibits and expert-related exhibits), - the basis of admissibility for each proposed exhibit, and - a brief summary of the testimony of each witness.
<p>February 9<u>23</u>, 2026</p>	<p>Deadline for Respondents to provide expert witness reports. Respondents’ expert reports shall include (without limitation) rebuttal, if any, to Complaint Counsel’s expert report(s).</p>
<p>February 12<u>26</u>, 2026</p>	<p>Respondents provide to Complaint Counsel (and a courtesy copy to the ALJ) their final proposed witness and exhibit lists, including:</p> <ul style="list-style-type: none"> - depositions, - copies of all exhibits (except for demonstrative, illustrative or summary exhibits and expert-related exhibits), - the basis of admissibility for each proposed exhibit, and - a brief summary of the testimony of each witness.
<p>February 23<u>26</u>, 2026</p>	<p>Parties that intend to offer confidential materials of an opposing party or non-party as evidence at the hearing must provide notice to the opposing party or non-party, pursuant to 16 C.F.R. §<u>§</u> 3.45(b).¹</p>

¹ Appendix A to Commission Rule 3.31, the Standard Protective Order (¶ 10), provides, in pertinent part, that if a party or third party wishes in camera treatment for a document or transcript that a party intends to introduce into evidence, that party or third party “shall file an appropriate motion with the Administrative Law Judge within 5 days after it receives such notice” of a party’s intent to introduce such material. Commission Rule 3.45(b) provides, in pertinent part, that a third party be “given at least 10 days notice of the proposed use of such material.” This Scheduling Order construes these provisions so as to require the parties to provide 10 days’ notice to allow for the filing of motions for in camera treatment.

PUBLIC

February 23 <u>March 9</u> , 2026	Complaint Counsel to identify rebuttal expert(s) and provide rebuttal expert report(s). Any such reports shall be limited to rebuttal of matters set forth in Respondents' expert reports. If material outside the scope of fair rebuttal is presented, Respondents may seek appropriate relief.
March 2 <u>16</u> , 2026	Deadline for depositions of experts (including rebuttal experts) and exchange of any expert-related exhibits not previously provided.
March 6 <u>20</u> , 2026	Parties file Joint Status Report #2
March 9 <u>15</u> , 2026	Deadline to file motions for <i>in camera</i> treatment of proposed trial exhibits. <i>See</i> Additional Provision 15.
March 10 <u>16</u> , 2026	To the extent not previously provided, the parties exchange objections to final proposed witness lists and exhibits lists (with a courtesy copy to the ALJ). The parties are directed to review the Commission's Rules on admissibility of evidence before filing objections to exhibits or witnesses and to limit objections to those that are necessary and well-founded.
March 12 <u>20</u> , 2026	Deadline to file motions <i>in limine</i> to preclude admission of evidence. <i>See</i> Additional Provisions ¶ 16.
March 16 <u>22</u> , 2026	Deadline to file responses to motions for <i>in camera</i> treatment of proposed trial exhibits. <i>See</i> Additional Provisions ¶ 15.
March 23 <u>31</u> , 2026	Deadline to file responses to motion <i>in limine</i> to preclude admission of evidence. <i>See</i> Additional Provisions ¶ 16.
March 25 <u>31</u> , 2026	Deadline for parties to exchange proposed stipulations of law, facts, and admissibility of exhibits.
March 31 <u>April 2</u> , 2026	Deadline to file final pretrial briefs supported by legal authority, to be no more than 7,500 words.

PUBLIC

<p>April 6, 2026</p>	<p>Final prehearing conference to begin at 10:00 a.m. Eastern Time.</p> <p>The parties shall meet and confer prior to the prehearing conference regarding trial logistics and proposed stipulations of law, facts, and authenticity of exhibits. To the extent the parties have agreed to stipulate to any issues of law, facts, and/or authenticity of exhibits, the parties shall prepare a list of such stipulations and submit a copy of the stipulations to the ALJ one calendar day prior to the conference. At the conference, the parties' list of stipulations shall be marked as "JX1" and sign by each party, and the list shall be offered into evidence as a joint exhibit. No signature by the ALJ on JX1 or JX2 is required. Any subsequent stipulations may be offered as agreed to by the parties.</p>
<p>April 8, 2026</p>	<p>Commencement of Hearing, to begin at 10:00 a.m. Eastern Time.</p>

Dated: September 23, 2025

Respectfully submitted,

s/ Laura R. Hall

Laura R. Hall
 Barrett J. Anderson
 Lisa De Marchi Sleight
 Jay Tymkovich
 Hilla Shimshoni
 Federal Trade Commission
 Bureau of Competition
 600 Pennsylvania Avenue, N.W.
 Washington, D.C. 20580
 Telephone: (202) 326-3282
 Email: lhall1@ftc.gov
 Email: banderson1@ftc.gov
 Email: ldemarchisleigh@ftc.gov
 Email: jtymkovich@ftc.gov
 Email: hshimshoni@ftc.gov

s/ Joshua Lipton

Joshua Lipton
 Michael J. Perry
 Jamie E. France
 Stephanie Pearl
 Logan Billman
 Connor Leydecker
 GIBSON, DUNN & CRUTCHER LLP
 1700 M Street, N.W.
 Washington, D.C. 20036
 Telephone: (202) 955-8226
 Email: jlipton@gibsondunn.com
 Email: mjerry@gibsondunn.com
 Email: jfrance@gibsondunn.com
 Email: spearl@gibsondunn.com
 Email: lbillman@gibsondunn.com
 Email: cleydecker@gibsondunn.com

Counsel Supporting the Complaint

Ryan A. Shores
 D. Bruce Hoffman
 Jeremy J. Calsyn
 Jacob M. Coate
 Kelton Anderson
 CLEARY GOTTLIEB STEEN &
 HAMILTON LLP

PUBLIC

2112 Pennsylvania Avenue, N.W.
Washington, D.C. 20037
Telephone: (202) 974-1500
Email: rshores@cgsh.com
Email: bhoffman@cgsh.com
Email: jcalsyn@cgsh.com
Email: jcoate@cgsh.com
Email: keanderson@cgsh.com

Counsel for Edwards Lifesciences Corp.

s/ Jonathan Klarfeld

Jonathan Klarfeld
Michael S. McFalls
Samer M. Musallam
Elizabeth McInerney
ROPES & GRAY LLP
2099 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Telephone: (202) 508-4600
Email: Jonathan.Klarfeld@ropesgray.com
Email: Michael.McFalls@ropesgray.com
Email: Samer.Musallam@ropesgray.com
Email: Elizabeth.McInerney@ropesgray.com

Matthew L. McGinnis
ROPES & GRAY LLP
800 Boylston Street
Boston, MA 02199
Telephone: (617) 951-7000
Email: Matthew.McGinnis@ropesgray.com

Counsel for JenaValve Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on September 23, 2025, I caused the foregoing document to be electronically filed with the Federal Trade Commission's E-Filing System, which will send notification of such filing to:

April J. Tabor
Secretary of the Federal Trade Commission
FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580
ElectronicFilings@ftc.gov

The Honorable Jay L. Himes
Office of Administrative Law Judges
FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580
oalj@ftc.gov

I also certify that I caused the foregoing document to be served by email as of September 23, 2025 to:

Joshua Lipton
Michael J. Perry
Jamie E. France
Stephanie Pearl
Logan Billman
Connor Leydecker
GIBSON, DUNN & CRUTCHER LLP
1700 M Street, N.W.
Washington, D.C. 20036
Telephone: (202) 955-8226
Email: jlipton@gibsondunn.com
Email: mjerry@gibsondunn.com
Email: jfrance@gibsondunn.com
Email: spearl@gibsondunn.com
Email: lbillman@gibsondunn.com
Email: cleydecker@gibsondunn.com

Ryan A. Shores
D. Bruce Hoffman
Jeremy J. Calsyn
Jacob M. Coate
Kelton Anderson
CLEARY GOTTLIEB STEEN & HAMILTON LLP
2112 Pennsylvania Avenue, N.W.
Washington, D.C. 20037
Telephone: (202) 974-1500
Email: rshores@cgsh.com
Email: bhoffman@cgsh.com
Email: jcalsyn@cgsh.com
Email: jcoate@cgsh.com
Email: keanderson@cgsh.com

Counsel for Edwards Lifesciences Corp.

Jonathan Klarfeld
Michael S. McFalls
Samer M. Musallam
Elizabeth McInerney
ROPES & GRAY LLP
2099 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Telephone: (202) 508-4600
Email: Jonathan.Klarfeld@ropesgray.com
Email: Michael.McFalls@ropesgray.com
Email: Samer.Musallam@ropesgray.com
Email: Elizabeth.McInerney@ropesgray.com

Matthew L. McGinnis
ROPES & GRAY LLP
800 Boylston Street
Boston, MA 02199
Telephone: (617) 951-7000
Email: Matthew.McGinnis@ropesgray.com

Counsel for JenaValve Technologies, Inc.

I also certify that no portion of the filing was drafted by generative artificial intelligence (“AI”) (such as ChatGPT, Microsoft Copilot, Harvey.AI, or Google Gemini).

PUBLIC

s/ Laura R. Hall

Laura R. Hall

Federal Trade Commission

Bureau of Competition

600 Pennsylvania Avenue, N.W.

Washington, D.C. 20580

Telephone: (202) 326-3282

Email: lhall1@ftc.gov

Counsel Supporting the Complaint