

## APPENDIX III

### Requirements in Patent Cases

#### I. Duties under Federal Rule of Civil Procedure 26(f) and Local Rule LR26.1(d)

##### A. Form of Report

In addition to the requirements set forth in Paragraph I of the Uniform Initial Order, Form 35: Report of the Parties' Planning Meeting, is modified in patent cases to require, under paragraph "4. Other Items," proposed deadlines as follows:

**Pre-Discovery Disclosures due:** \_\_\_\_\_.

**Disclosure of Asserted Claims and Preliminary Infringement Contentions due:** \_\_\_\_\_.

**Preliminary Invalidity Contention due:** \_\_\_\_\_.

**Exchange of Proposed Terms and Claim Elements for Construction due:**  
\_\_\_\_\_.

**Deadline to join additional parties and to amend pleadings:**  
\_\_\_\_\_.

**Joint Claim Construction and Prehearing Statement due:** \_\_\_\_\_.

The Statement shall contain information specified in the Patent Rules of this court.

**Claim Construction Briefs:**

- a. Party claiming patent infringement shall serve and file an opening brief and evidence in support by \_\_\_\_\_.
- b. Opposing party shall serve and file responsive brief and supporting evidence by \_\_\_\_\_.
- c. Claim construction reply brief due by \_\_\_\_\_.

**Claim Construction Hearing:** Week of (date). [date and time to be set by court]

**Discovery:** Discovery must be commenced in order to be completed by \_\_\_\_\_.

- a. Maximum of \_\_\_\_ interrogatories and \_\_\_\_ requests for admission for each side;
- b. Maximum of \_\_\_\_\_ non-expert depositions for each side; parties must seek leave for further depositions; each deposition limited to \_\_\_\_ hours unless extended by agreement of parties or by court order.

**Initial expert reports** from the party bearing the burden of proof on the issue regarding which the expert will testify: \_\_\_\_\_.

**Opposing expert reports for both parties due:** \_\_\_\_\_.

**Expert Depositions:** Depositions of experts must be completed by \_\_\_\_\_.

\_\_\_\_\_.

**Daubert motions (if any) deadline:** \_\_\_\_\_. Responses to Daubert motions due \_\_\_\_\_. Replies due \_\_\_\_\_.

**Dispositive motions deadline:** \_\_\_\_\_. **Movant must file any briefs and supporting evidence with the motion for summary judgment in order for the submission to be deemed timely.** Responses to dispositive motions are due \_\_\_\_\_; replies to responses are due (insert date five (5) weeks prior to trial date).

**Final lists** of witnesses and exhibits under Rule 26(a)(3) and **motions in limine** are due: \_\_\_\_\_.

**Objections** to final list of witnesses and exhibits and response to motions in limine due: \_\_\_\_\_.

**Joint Proposed Pretrial Order, Proposed Jury Instructions, and Form of Verdict:** [*to be set by the court at a later date*].

**Pretrial Conference** [*to be set by the court at a later date*].

**Trial:** The parties shall be ready for trial by (insert date - Monday that falls one (1) year from the date the case was filed).

\*The parties may include other interim deadlines that they deem necessary, such as

deadlines regarding Privilege Logs, Willfulness Issues, etc.

\*\*The final form of the Report under paragraph “4. Other Items,” shall be in *chronologic order*.

**B. Parties Required to Provide Electronic Copy of Report**

In addition to filing the Report of the Parties’ Planning Meeting, the parties shall provide the court with a copy wordperfect format via email to the chambers inbox at [smith\\_chambers@alnd.uscourts.gov](mailto:smith_chambers@alnd.uscourts.gov) .

**II. Patent Rules**

The parties are bound by the Patent Rules of this court which are attached hereto.