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| THE UNITED STATES DISTRICT COURT  DISTRICT OF UTAH | |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Plaintiff,  vs.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Defendant. | **Proposed Scheduling Order - Patent Case Post-Claim Construction**  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Case Number: *(including assigned judge initials and referred magistrate judge initials, if applicable)*  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  District Judge  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Magistrate Judge |

Under the Pre-Claim Construction Scheduling Order, a proposed Post-Claim Construction Scheduling Order has been filed. The following deadlines may not be modified without a court order consistent with Fed. R. Civ. P. 16(b)(4) and DUCivR   
83-5.

**DEADLINES ARE 11:59 P.M. ON THE DATE INDICATED UNLESS EXPRESSLY STATED OTHERWISE**

1. **FACT DISCOVERY**

|  |  |  |
| --- | --- | --- |
| 1. | Deadline to disclose intent to reply on opinions of counsel and materials in support: | *00/00/00*  [PCC Day 7/Week 1] |
| 2. | Deadline to file motion for additional discovery: [LPR 1.3(a)] | *00/00/00*  [PCC Day 14/Week 2] |

1. **EXPERT DISCOVERY**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| a. | Filing of Notice of Designation required by DUCivR 26-1(a)(2)— | | | |
|  | 1. | Parties bearing the burden of proof: | | *00/00/00* |
|  | 2. | Parties not bearing the burden of proof: | | *00/00/00* |
|  |  |  |  |  |
| b. | Service of Fed. R. Civ. P. 26(a)(2) Disclosures and Reports— | | | |
|  | 1. | Parties bearing the burden of proof: [LPR 5.1] | | *00/00/00*  [PCC Day 28/ Week 4] |
|  | 2. | Parties not bearing the burden of proof: [LPR 5.1] | | *00/00/00*  [PCC Day 56/ Week 8] |
|  | 3. | Rebuttal reports, if any: [LPR 5.1] | | *00/00/00*  [PCC Day 84/ Week 12] |
|  |  |  | |  |
| c. | Deadline for expert discovery to close: [LPR 5.2] | | | *00/00/00*  [PCC Day 119/Week 17] |

1. **DISPOSITIVE AND EXPERT MOTIONS[[1]](#footnote-1)**

|  |  |  |  |
| --- | --- | --- | --- |
| a. |  | Deadline for filing dispositive or potentially dispositive motions: [LPR 6.1] | *00/00/00*  [PCC Day 147/Week 21] |
| b. |  | Deadline for filing partial or complete motions to exclude expert testimony: | *00/00/00*  [PCC Day 147/Week 21] |
| c. |  | Deadline for filing a request for a scheduling conference for the purpose of setting a trial date if no dispositive motion are filed: | *00/00/00* |

**SO ORDERED** this \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_, 202X.

BY THE COURT:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Judge’s Name]

[Type of Judge]

1. The court will enter the date in Section 3.c. [↑](#footnote-ref-1)