
THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

Plaintiff,

vs.

Defendant.

**Proposed Scheduling Order - Patent
Case Pre-Claim Construction**

District Judge

Magistrate Judge

Under Fed. R. Civ. P. 16(b) and the Order to Propose Schedule, if applicable, an Attorney Planning Meeting Report 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 83-6. Plaintiff is directed to file a proposed Post-Claim Construction Scheduling Order with the remaining case deadlines within 14 days of the court entering a ruling on claim construction. The court will then set trial deadlines in the Post-Claim Construction Scheduling Order or through a case management conference.

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

1. PRELIMINARY MATTERS AND DISCLOSURES

a.		Deadline for plaintiff's Accused Instrumentalities Disclosure: [LPR 2.1]		
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b.		Deadline for plaintiff's Rule 26(a)(1) Initial Disclosure: [LPR 2.2]		
c.		Deadline for defendant's Rule 26(a)(1) Initial Disclosure: [LPR 2.2]		
d.		Fed. R. Civ. P. 26(f)(1) Conference and Discovery Begins: [LPR 1.2, 1.3]		
e.		Attorney Planning Meeting Report and Proposed Scheduling Order filed: [LPR 1.2]		
f.		Deadline for plaintiff to serve Initial Infringement Contentions: [LPR 2.3]		
g.		Deadline for defendant to serve Initial Non-Infringement, Ineligibility, Invalidity, and Unenforceability Contentions: [LPR 2.4, 2.6]		
h.		If no infringement claims, deadline for plaintiff to serve Initial Non-Infringement, Ineligibility, Invalidity, and Unenforceability Contentions: [LPR 2.4, 2.6]		
i.		Deadline to file motion to amend pleadings:		
j.		Deadline to file motion to join parties:		
k.		Deadline for Final Infringement Contentions: [LPR 3.1]		
l.		Deadline for final Ineligibility, Invalidity, and Unenforceability Contentions: [LPR 3.1]		
m.		Deadline for Final Non-Infringement: [LPR 3.1]		
n.		Deadline to serve written discovery before claim construction: [Fed. R. Civ. P. 34]		
o.		Deadline for fact discovery to close before claim construction: [LPR 1.3(a)]		

2. PROTECTIVE ORDER

a.	The parties anticipate the case will involve the disclosure of information, documents, or other materials that will be designated as confidential.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
b.	If the case will involve the disclosure of information, documents, or other materials that will be designated as CONFIDENTIAL, then good cause exists for the court to enter the court's Standard Protective Order (SPO) under DUCivR 26-2: <i>(describe the need for a protective order)</i>		
c.	<p>If a protective order is needed and the parties are not using the court's SPO, then the court's SPO, in effect under DUCivR 26-2, will govern until a different protective order—proposed by the parties via motion under DUCivR 7-1(a)(4)(D)—is adopted by the court.</p> <p>The parties' proposed protective order should identify a process to resolve all claims of waiver of attorney-client privilege or work-product protection, whether or not the information, documents, or other materials will be designated as CONFIDENTIAL or ATTORNEYS' EYES ONLY, and this process must be included in the proposed protective order under Fed. R. Evid. 502(d): <i>(describe the process)</i></p>		

d.		<p>If the parties do not anticipate the case will involve the disclosure of information, documents, or the materials that will be designated as CONFIDENTIAL, the parties still should identify, in the space below, a process to resolve all claims of waiver of attorney-client privilege or work-product protection, whether or not the information, documents, or other materials will be designated as CONFIDENTIAL or ATTORNEYS' EYES ONLY, and this process must also be included in the proposed Scheduling Order: <i>(describe the process)</i></p>

3. FACT DISCOVERY

a.		Maximum number of depositions by Plaintiff:	
b.		Maximum number of depositions by Defendant:	
c.		Maximum number of hours for each deposition: <i>(unless extended by agreement of parties)</i>	
d.		Maximum interrogatories by any party to any party:	
e.		Maximum requests for admissions by any party to any party:	
f.		Maximum requests for production by any party to any party:	

4. CLAIM CONSTRUCTION DEADLINES

a.		Deadline for parties to exchange proposed claim terms and claim constructions for construction: [LPR 4.2]	
b.		Deadline for parties to reach an agreement to submit no more than 10 terms for construction: [LPR 4.2]	
c.		Deadline for parties to file and serve Cross-Briefs for Claim Construction and Joint Appendix: [LPR 4.3]	
d.		Deadline for parties to file Simultaneous Responsive Claim Construction Briefs: [LPR 4.3]	
e.		Deadline for parties to file Joint Claim Construction Chart & Joint Status Report Due: [LPR 4.3]	
f.		Deadline for parties to file a Tutorial: [LPR 4.5]	
g.		Deadline for parties to exchange exhibits: [LPR 4.4]	
h.		Claim Construction Hearing: ¹ [LPR 4.4]	

SO ORDERED this _____ day of _____, .

BY THE COURT:

¹ Parties should file a joint motion to set the date for the Claim Construction Hearing per LPR 4.4.