

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

Plaintiff,  vs.  Defendant.	<p><b>Proposed Scheduling Order - Patent Case Pre-Claim Construction</b></p> <p>Case Number: <i>(including assigned judge initials and referred magistrate judge initials, if applicable)</i></p> <p>District Judge</p> <p>Magistrate Judge</p>
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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 83-4. 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]		<u>00/00/00</u>
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			[7 days after 1 <sup>st</sup> answer—Day 7/Week 1]
b.	Deadline for plaintiff's Rule 26(a)(1) Initial Disclosure: [LPR 2.2]		<u>00/00/00</u> [Day 21/Week 3]
c.	Deadline for defendant's Rule 26(a)(1) Initial Disclosure: [LPR 2.2]		<u>00/00/00</u> [Day 28/Week 4]
d.	Fed. R. Civ. P. 26(f)(1) Conference and Discovery Begins: [LPR 1.2, 1.3]		<u>00/00/00</u> [Day 35/Week 5]
e.	Attorney Planning Meeting Report and Proposed Scheduling Order filed: [LPR 1.2]		<u>00/00/00</u> [Day 42/Week 6]
f.	Deadline for plaintiff to serve Initial Infringement Contentions: [LPR 2.3]		<u>00/00/00</u> [Day 63/Week 9]
g.	Deadline for defendant to serve Initial Non-Infringement, Ineligibility, Invalidity, and Unenforceability Contentions: [LPR 2.4, 2.6]		<u>00/00/00</u> [Day 77/Week 11]
h.	If no infringement claims, deadline for plaintiff to serve Initial Non-Infringement, Ineligibility, Invalidity, and Unenforceability Contentions: [LPR 2.4, 2.6]		<u>00/00/00</u> [Day 77/Week 11]
i.	Deadline to file motion to amend pleadings:		<u>00/00/00</u> [Day 112/Week 16]
j.	Deadline to file motion to join parties:		<u>00/00/00</u> [Day 112/Week 16]
k.	Deadline for Final Infringement Contentions: [LPR 3.1]		<u>00/00/00</u> [Day 210/Week 30]
l.	Deadline for final Ineligibility, Invalidity, and Unenforceability Contentions: [LPR 3.1]		<u>00/00/00</u> [Day 224/Week 32]
m.	Deadline for Final Non-Infringement: [LPR 3.1]		[Day 238/Week 34]
n.	Deadline to serve written discovery before claim construction: [Fed. R. Civ. P. 34]		<u>00/00/00</u> [Day 250]
o.	Deadline for fact discovery to close before claim construction: [LPR 1.3(a)]		<u>00/00/00</u> [Day 280/Week 40]

## 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 <b>are not</b> 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 <b>CONFIDENTIAL</b> or <b>ATTORNEYS' EYES ONLY</b>, 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 <b>CONFIDENTIAL</b>, 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 <b>CONFIDENTIAL</b> or <b>ATTORNEYS' EYES ONLY</b>, 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:	<u>10 or #</u>
b.	Maximum number of depositions by Defendant:	<u>10 or #</u>
c.	Maximum number of hours for each deposition: <i>(unless extended by agreement of parties)</i>	<u>7 or #</u>
d.	Maximum interrogatories by any party to any party:	<u>25 or #</u>
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]	<u>00/00/00</u> [Day 252/Week 36]
b.	Deadline for parties to reach an agreement to submit no more than 10 terms for construction: [LPR 4.2]	<u>00/00/00</u> [Day 259/Week 37]
c.	Deadline for parties to file and serve Cross-Briefs for Claim Construction and Joint Appendix: [LPR 4.3]	<u>00/00/00</u> [Day 287/ Week 41]
d.	Deadline for parties to file Simultaneous Responsive Claim Construction Briefs: [LPR 4.3]	<u>00/00/00</u> [Day 315/Week 45]

e.	Deadline for parties to file Joint Claim Construction Chart & Joint Status Report Due: [LPR 4.3]	<u>00/00/00</u> [Day 322/ Week 46]
f.	Deadline for parties to file a Tutorial: [LPR 4.5]	[Day 329/ Week 47]
g.	Deadline for parties to exchange exhibits: [LPR 4.4]	TBD [Day 7 Before CCH]
h.	Claim Construction Hearing: <sup>1</sup> [LPR 4.4]	TBD

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

BY THE COURT:

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[Judge's Name]  
[Type of Judge]

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