
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

Plaintiff,

v.

Defendant.

PATENT CASE SCHEDULING ORDER

Honorable District Judge

Pursuant to Fed.R. Civ P. 16(b), the Court received the Attorney Planning Report (doc # __) filed by counsel. The Court schedules the following matters. The parties may not modify the times and deadlines set forth herein without the approval of the Court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

ALL DEADLINES ARE SET FOR 11:59 P.M. ON THE DATE INDICATED UNLESS EXPRESSLY STATED TO THE CONTRARY

1.	PRELIMINARY MATTERS/DISCLOSURES	DATE
a.	Plaintiff's Accused Instrumentalities disclosure due [LPR 2.1]	[7 days after 1 st answer—Day 7/ Week 1]
b.	Plaintiff's Rule 26(a)(1) initial disclosure due [LPR 2.2]	[Day 21/ Week 3]
c.	Defendant's Rule 26(a)(1) initial disclosure due [LPR 2.2]	[Day 28/ Week 4]
d.	Rule 26(f)(1) Conference held and discovery begins [LPR 1.2, 1.3]	[Day 35/ Week 5]
e.	Attorney Planning Meeting Report and Proposed Scheduling Order submitted [LPR 1.2]	[Day 42/ Week 6]
f.	Plaintiff serves Initial Infringement Contentions [LPR 2.3]	[Day 63/ Week 9]
g.	Defendant serves Initial Non-Infringement,	[Day 77/ Week 11]

Unenforceability, and Invalidity Contentions
If no infringement claims, Plaintiff serves Initial Non-
Infringement, Unenforceability, and Invalidity
Contentions [LPR 2.4, 2.6]

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| h. | Final Infringement Contentions [LPR 3.1] | [Day 210/ Week 30] |
| i. | Final Unenforceability and Invalidity Contentions
[LPR 3.1] | [Day 224/Week 32] |
| j. | Final Non- Infringement, [LPR 3.2] | [Day 238/Week 34] |

2.	DISCOVERY LIMITATIONS	NUMBER
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| a. | Maximum number of depositions ¹ by Plaintiff(s) | |
| b. | Maximum number of depositions ² by Defendant(s) | |
| c. | Maximum number of hours for each deposition
(unless extended by agreement of parties) | |
| d. | Maximum interrogatories ³ 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 | |

The Parties shall handle discovery of electronically stored information as follows:

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| g. | The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: <i>Include provisions of agreement to obtain the benefit of Fed. R. Evid. 502(d).</i> | |
|----|---|--|

DATE

¹ Excluding depositions of experts.

² Excluding depositions of experts.

³ An interrogatory or multiple interrogatories seeking the basis of a party's affirmative defenses, infringement contentions, or invalidity contentions counts as one interrogatory regardless of the number of affirmative defenses alleged or the number of infringed or invalid claims alleged. A party may object to the time of discovery as set forth in LRP 1.7.

h.	Deadline to serve written discovery before claim construction [R. 34]:	[Day 250]
i.	Close of fact discovery before claim construction [LPR 1.3(a)]:	[Day 280/ Week 40]
j.	Disclosure of intent to rely on opinions of counsel and materials in support [LPR 1.3(c)]:	[PCC Day 7/ Week 1]
k.	Deadline to file motion for additional discovery [LPR 1.3(b)]:	[PCC Day 14/ Week 2]
3.	AMENDMENT OF PLEADINGS/ADDING PARTIES⁴	DATE
a.	Last day to file motion to amend pleadings	[Day 112/ Week 16]
b.	Last day to file motion to add parties	[Day 112/ Week 16]
4.	CLAIM CONSTRUCTION PROCESS	DATE
a.	Parties exchange proposed claim terms and claim constructions for construction [LPR 4.1(a)]	[Day 252/ Week 36]
b.	Reach agreement to submit no more than 10 terms for construction [LPR 4.1(b)]	[Day 259/ Week 37]
c.	Parties file Cross-Motions for Claim Construction and Joint Appendix [LPR 4.2(a) & (b)]	[Day 287/ Week 41]
d.	Parties file Simultaneous Responsive Claim Construction Briefs [LPR 4.2(c)]	[Day 315/ Week 45]
e.	Joint Claim Construction Chart & Joint Status Report Due [LPR 4.2(f)]	[Day 322/ Week 46]
f.	Tutorial for Court [LPR 4.4]	2:30 p.m. [Day 329/ Week 47]

⁴ Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

	g. Parties exchange exhibits [LPR 4.3]	[Day 336/ Week 48]
	h. Claim Construction Hearing ⁵ [LPR 4.3]	TBD
5.	EXPERT DISCOVERY	DATE
	a. Parties bearing burden of proof [LPR 5.1(b)]	[PCC Day 28/ Week 4]
	b. Counter disclosures:	
	c. Counter reports [LPR 5.1(c)]	[PCC Day 56/ Week 8]
	d. Close of expert discovery [LPR 5.2]	[PCC Day 91/ Week 13]
6.	DISPOSITIVE MOTIONS	DATE
	a. Deadline to file dispositive motions required to be filed with claim construction [LPR 6.2]	[Day 287/ Week 41]
	b. Deadline to file opposition to dispositive motions filed with claim construction [LPR 6.2]	[Day 315/ Week 45]
	c. Deadline to file reply to dispositive motions filed with claim construction [LPR 6.2]	[Day 329/ Week 47]
	d. Deadline for filing dispositive or potentially dispositive motions [LPR 6.1]	[PCC Day 119/ Week 17]
	e. Deadline for filing partial or complete motions to exclude expert testimony	00/00/00
7.	SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION/ OTHER PROCEEDINGS	DATE
	a. Likely to request referral to a Magistrate Judge for settlement conference:	Yes/No
	b. Likely to request referral to court-annexed arbitration:	Yes/No
	c. Likely to request referral to court-annexed mediation:	Yes/No

⁵ Parties should contact the Court to set the date for the Claim Construction Hearing

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| d. | Last day to seek stay pending reexamination [LPR 3.5] | [Day 238/
Week 34] |
| e. | The parties will complete private mediation/arbitration
by: | 00/00/00 |
| f. | Evaluate case for Settlement/ADR on | 00/00/00 |
| g. | Settlement probability: | |

Plaintiff is directed to file a new scheduling order within 14 days of ruling on claim construction. The Court will set trial deadlines in that order or through a case management conference.

8. OTHER MATTERS

All Motions in Limine should be filed well in advance of the Final Pretrial Conference.

Signed June 3, 2025.

BY THE COURT:

U.S. Magistrate Judge