SECTION XV.
LOCAL RULES OF PROCEDURE FOR PATENT CASES

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Rule 1 Introduction

1.1 Preamble

In recognition of the complexities and uniqueness of issues associated with management of patent infringement litigation, and to ensure just, efficient, and economical handling of such cases, the United States District Court for the Northern District of New York hereby enacts the following rules of practice for patent cases before the Court. These rules are calculated to provide a standard structure for addressing the issues which typically arise in such cases, and to foster predictability and facilitate planning for the litigants and the Court.

1.2 Scope and Construction

These rules apply to all civil actions filed in or transferred to this Court which allege infringement of a patent in a complaint, counterclaim, crossclaim or third-party claim, or which seek a declaratory judgment that a patent is not infringed, is invalid or is unenforceable. The local civil rules of this Court shall also apply to such actions, except to the extent that they are inconsistent with these local patent rules.

1.3 Modifications of These Rules

The Court may, in its discretion, modify any of the obligations or deadlines set forth in these proposed rules based upon the circumstances of any particular case including, without limitation, the degree of complexity of the case as shown by the number of patents, products, or parties involved. Such modifications will in most instances be made at the initial Rule 16 scheduling conference, but may be made at other times by the Court either *sua sponte* or at the request of a party, upon a showing of good cause. A party may at any time request modification of the requirements of these rules by letter request to the assigned magistrate judge on notice to opposing counsel provided, however, that before requesting such modification the parties must meet and confer for the purpose of attempting to reach an agreement, if possible, with respect to any proposed modification.

1.4 Citation

These rules shall be cited as "L. Pat. R. ___."

1.5 Effective Date

These local patent rules will take effect on January 1, 2012, and will govern all patent cases filed in, or transferred or removed to, this Court on or after that date. For any actions pending prior to that effective date, the Court will confer with the parties and apply these rules as the Court deems practicable.

Rule 2 General Provisions

2.1 Initial Scheduling Conference

(a) Consistent with the local rules of this Court and General Order No. 25, upon the filing in or removal or transfer to this Court of an action which falls within the scope of these rules, the Court will schedule a Rule 16 conference to be conducted by the magistrate judge assigned to the case. That conference may be held in-person or by telephone, depending upon the practices of the particular magistrate judge assigned.

(b) At least twenty-one (21) days prior to the scheduled Rule 16 conference the parties must confer, in person or by telephone, pursuant to Fed. R. Civ. P. 26(f) to formulate a discovery plan and to address the following topics:

(1) Proposed modification of the obligations or deadlines set forth in these local patent rules to ensure that they are suitable for the circumstances of the particular case;

(2) The scope and timing of any claim construction discovery, including disclosure of and discovery from any expert witness permitted by the Court;

(3) The format of the claim construction hearing, including whether the Court will hear live testimony, the order of presentation, and the estimated length of the hearing;

(4) How the parties intend to educate the Court with respect to the patent(s) at issue; and

(5) The need for alteration of the standard confidentiality order to supercede that which would otherwise be entered by the court pursuant to Local Patent Rule 2.2.

(c) Not later than fourteen (14) days prior to the scheduled Rule 16 conference the parties shall jointly submit a Civil Case Management Plan, in the form of that approved by the Court pursuant to General Order No. 25, completed to address the various issues raised in that form, based upon the parties' discussions during their Rule 26(f) meeting.

(d) One of the topics to be addressed at the Rule 16 conference is the timing and scope of mandatory disclosures required pursuant to Fed. R. Civ. P. 26(a)(1). Among the disclosures which ordinarily must be made pursuant to Rule 26(a)(1) in cases covered by these rules is information and documentation regarding proof of patent ownership or standing to assert patent infringement claims.

(e) Following the initial conference conducted by the Court pursuant to Fed. R. Civ. P. 16, the assigned magistrate judge may, in his or her discretion, schedule and conduct such further status conferences, either telephonically or in person, as deemed appropriate. It is contemplated that such a conference may be conducted within sixty (60) to ninety (90) days following the initial Rule 16 conference, and that during that conference the parties will be asked to discuss what efforts, if any, they have made to attempt to settle the case and how the Court may assist their settlement efforts such as, for example, by scheduling a settlement conference or ordering mediation.

2.2 Confidentiality

(a) Not later than fourteen (14) days prior to the initial Rule 16 Conference and after conferring regarding the matter, the parties may, if desired, submit either a stipulated protective order pursuant to Fed. R. Civ. P. 26(c) or, if agreement cannot be reached, may each submit a counter proposed protective order for the Court's consideration, highlighting for the Court any areas of disagreement. In the event that the parties do not request the entry of a different Rule 26(c) confidentiality order at or prior to the Rule 16 scheduling conference, or if otherwise deemed appropriate, the Court will enter a protective order pursuant to Fed. R. Civ. P. 26(c) in the form of that provided on the Court's webpage at www.nynd.uscourts.gov.

2.3 Relationship to Federal Rules of Civil Procedure

(a) Except as provided in this paragraph or as otherwise ordered, it shall not be a ground for objecting to an opposing party's discovery request (e.g., interrogatory, document request, request for admission, deposition question) or declining to provide information otherwise required to be disclosed pursuant to Fed. R. Civ. P. 26(a)(1), that the discovery request or disclosure requirement is premature in light of, or otherwise conflicts with, these local patent rules, absent other legitimate objection. A party may object, however, to responding to the following categories of discovery requests (or decline to provide information in its initial disclosures under Fed. R. Civ. P. 26(a)(1)) on the ground that they are premature in light of the timetable provided in these local patent rules:

(1) Requests seeking to elicit a party's claim construction position;

(2) Requests seeking to elicit from the patent claimant a comparison of the asserted claims and the accused apparatus, product, device, process, method, act, design, variety of plant or other instrumentality;

(3) Requests seeking to elicit from an accused infringer a comparison of the asserted claims and the prior art; and

(4) Requests seeking to elicit from an accused infringer the identification of any advice of counsel received and related documents.

(b) Where a party properly objects to a discovery request (or declines to provide information in its initial disclosures under Fed. R. Civ. P. 26(a)(1)) as set forth above, that party shall provide the requested information on the date on which it is required to be disclosed to an opposing party under these local patent rules or as set by the Court, unless there exists another legitimate ground for objection.

2.4 Exchange of Expert Materials

(a) Disclosures of claim construction expert materials and depositions of such experts are governed by Local Patent Rule 4.1 et seq., unless otherwise ordered by the Court.

(b) Unless otherwise ordered by the Court, the disclosure of expert materials related to issues other than claim construction will not be required until claim construction issues have been decided, and shall be governed by the provisions of Local Patent Rule 5.1 et seq.

Rule 3 Patent Disclosures

3.1 Disclosure of Asserted Claims and Infringement Contentions

Not later than fourteen (14) days after the initial Rule 16 Conference, a party claiming patent infringement shall serve on all parties a Disclosure of Asserted Claims and Infringement Contentions. Separately for each opposing party, the Disclosure of Asserted Claims and Infringement Contentions shall contain the following information:

(a) Each claim of each patent in suit that is allegedly infringed by each opposing party, including for each claim the applicable statutory subsections of 35 U.S.C. § 271 asserted;

(b) Separately for each asserted claim, each accused apparatus, product, device, process, method, act, design, variety of plant or other instrumentality ("Accused Instrumentality") of each opposing party of which the party is aware. This identification shall be as specific as possible. Each product, device, design, variety of plant and apparatus shall be identified by name or model number, if known. Each method or process shall be identified by name, if known, or by any product, device, or apparatus which, when used, allegedly results in the practice of the claimed method or process;

(c) **(1)** Except for design or variety of plant patent claim(s), a chart identifying specifically where each limitation of each asserted claim is found within each Accused Instrumentality, including for each limitation that such party contends is governed by 35 U.S.C. § 112(f), the identity of the structure(s), act(s), or material(s) in the Accused Instrumentality that performs the claimed function;

(2) For each design patent or variety of plant patent claim that is alleged, a chart displaying each view of the design or variety of plant patent drawings and a view of the accused design or variety of plant from every available angle for all embodiments.

(d) For each claim that is alleged to have been indirectly infringed, an identification of any direct infringement and a description of the acts of the alleged indirect infringer that contribute to or are inducing that direct infringement. Insofar as any alleged direct infringement is based on joint acts of multiple parties, the role of each such party in the direct infringement must be described;

(e) Except for design or variety of plant patent claims(s), whether each limitation of each asserted claim is alleged to be literally present or present under the doctrine of equivalents in the Accused Instrumentality;

(f) For any patent that claims priority to an earlier application, the priority date to which each asserted claim allegedly is entitled;

(g) If a party claiming patent infringement wishes to preserve the right to rely, for any purpose, on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention, the party shall identify, separately for each asserted claim, each such apparatus, product, device, process, method, act, or other instrumentality that incorporates or reflects that particular claim; and

(h) If a party claiming patent infringement alleges willful infringement, all known bases for such allegation. A party claiming willful infringement shall be permitted to supplement its response to this subsection at or prior to the close of fact discovery, if necessary, to add facts developed through pretrial discovery.

3.2 Document Production Accompanying Infringement Disclosure

With the Disclosure of Asserted Claims and Infringement Contentions, the party claiming patent infringement shall produce to each opposing party or make available for inspection and copying:

(a) Documents (e.g., contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, and third party or joint development agreements) sufficient to evidence each discussion with, disclosure to, or other manner of providing to a third party, or sale of or offer to sell, or any public use of, the claimed invention prior to the date of application for the patent in suit. A party's production of a document as required herein shall not constitute an admission that such document evidences or is prior art under 35 U.S.C. § 102;

(b) All documents evidencing the conception, reduction to practice, design, and development of each claimed invention, which were created on or before the date of application for the patent in suit or the priority date identified pursuant to Local Patent Rule 3.1(f), whichever is earlier;

(c) A copy of the file history for each patent in suit (or so much thereof as is in the possession of the patentee);

(d) All documents evidencing ownership and maintenance of the patent rights by the party asserting patent infringement; and

(e) If a party identifies instrumentalities pursuant to Local Patent Rule 3.1(g), documents sufficient to show the operation of any aspects or elements of such instrumentalities the patent claimant relies upon as embodying any asserted claims.

The producing party shall separately identify by production number which documents correspond to each category.

3.3 Non-Infringement, Invalidity and Unenforceability

Not later than thirty (30) days after service upon it of the Disclosure of Asserted Claims and Infringement Contentions, each party opposing a claim of patent infringement on the basis of non-infringement, patent invalidity or patent unenforceability shall serve on all parties its Disclosure of Non-Infringement, Invalidity and Unenforceability Contentions which shall contain the following information:

(a) Non-Infringement contentions shall contain a chart, responsive to the chart required under Local Patent Rule 3.1(c)(i), that identifies as to each limitation in each asserted claim disclosed in the patentee's claim chart, to the extent then known by the party alleging infringement, whether such element is present literally or under the doctrine of equivalents in each Accused Instrumentality and, if not, the reason for such denial and the relevant distinctions, and a chart, responsive to the chart required under Local Patent Rule 3.1(c)(ii), that displays a view from each angle of the accused design or variety of plant and of all embodiments and stating whether the accused design or variety of plant is substantially similar to the claimed design or variety of plant and, if not, the reasons for such a denial.

(b) Invalidity Contentions must contain the following information to the extent then known to the party asserting invalidity:

(1) The identity of each item of prior art that allegedly anticipates each asserted claim or renders it obvious, including in the case of a design or variety of plant patent a view from every available angle and all available embodiments. Each prior art patent shall be identified by its number, country of origin, and date of issue. Each prior art publication shall be identified by its title, date of publication and, where feasible, author and publisher. Prior art under 35 U.S.C. § 102(d) shall be identified by specifying the item offered for sale or publicly used or known, the date the offer or use took place or the information became known, the location where the item was sold or publicly used, and the identity of the person or entity which made the use or which made and received the offer, or the person or entity which made the information known or to whom it was

made known. Prior art under 35 U.S.C. § 102(d) shall be identified by providing the name of the person(s) from whom and the circumstances under which the invention or any part of it was derived. Prior art under 35 U.S.C. § 102(d) shall be identified by providing the identities of the person(s) or entities involved in and the circumstances surrounding the making of the invention before the patent applicant(s);

(2) Whether each item of prior art anticipates each asserted claim or renders it obvious. If obviousness is alleged, an explanation of why the prior art renders the asserted claim obvious, including an identification of any combinations of prior art showing obviousness, the reason why one of ordinary skill in the art would have combined the references at the time of the invention in issue in the case, and identification of what the accused considers to be the primary reference.

(3) A chart identifying where specifically in each alleged item of prior art each limitation or view of each asserted claim is found, and for utility patents, including for each limitation that such party contends is governed by 35 U.S.C. § 112(f), the identity of the structure(s), act(s), or material(s) in each item of prior art that performs the claimed function; and

(4) Any grounds of invalidity based on 35 U.S.C. § 101, indefiniteness under 35 U.S.C. § 112 (b) or enablement or written description under 35 U.S.C. § 112(a) of any of the asserted claims.

(c) Subject to amendment in the event of later discovered facts, unenforceability contentions shall contain, in detail, each ground then known upon which the accused infringer will assert that any patent in suit is unenforceable. If the accused infringer's claim of unenforceability is based upon inequitable conduct, the accused infringer shall describe each omission or misrepresentation made to the Patent and Trademark Office ("PTO") and shall state all grounds upon which the accused infringer will argue at trial that those prosecuting the patent intended to deceive the PTO, including the identification of any prior art references not disclosed to the PTO during the prosecution of the patent in suit, any facts suggesting that one or more persons substantially involved in the prosecution of the patent in suit were aware of such prior art reference prior to the issuance of the patent in suit, and any facts relevant to the element of intent to deceive.

3.4 Document Production Accompanying Non-Infringement, Invalidity and Unenforceability Disclosure

With the Disclosure of Non-Infringement, Invalidity and Unenforceability Contentions, the party opposing a claim of patent infringement shall produce or make available for inspection and copying, if not previously disclosed pursuant to Fed. R. Civ. P. 26(a)(1), the following:

(a) Source code, specifications, schematics, flow charts, artwork, drawings, photographs, video or other images from every available view or other documentation sufficient to show the operation, composition, design, variety of plant or structure of any aspects or elements of an Accused Instrumentality identified by the patent claimant in its Local Patent Rule 3.1(c) chart; and

(b) A copy or sample of the prior art identified pursuant to Local Patent Rule 3.3(b) which does not appear in the file history of the patent(s) at issue. To the extent any such item is not in English, an English translation shall be produced. In addition, a complete translation of the document relied upon, if in the possession of the producing party, shall also be produced.

(c) The producing party shall separately identify by production number which documents correspond to each category.

3.5 Disclosure Requirement in Patent Cases for Declaratory Judgment of Non-Infringement, Invalidity and Unenforceability

(a) **Non-Infringement, Invalidity and Unenforceability Contentions.** In all cases in which a party files a complaint or other pleading seeking a declaratory judgment that a patent is not infringed, is invalid, or is unenforceable, Local Patent Rules 3.1 and 3.2 shall not apply unless and until a claim for patent infringement is made by a party. If the defendant does not assert a claim for patent infringement in its answer to the complaint, no later than fourteen (14) days after the defendant serves its answer or fourteen (14) days after the Initial Rule 16 Conference, whichever is later, the party seeking a declaratory judgment of non-infringement, invalidity or unenforceability shall serve upon each opposing party its Disclosure of Non-Infringement, Invalidity and Unenforceability Contentions that conforms to Local Patent Rule 3.3, and produce or make available for inspection and copying the documents described in Local Patent Rule 3.4.

(b) **Inapplicability of Rule.** Local Patent Rule 3.5 shall not apply to cases in which a request for a declaratory judgment that a patent is not infringed, invalid or unenforceable is filed in response to a complaint for infringement of the same patent, in which case the provisions of Local Patent Rule 3.3 shall govern.

3.6 Amendment to Contentions

(a) Amendment of the Disclosure of Asserted Claims and Infringement Contentions or the Disclosure of Non-Infringement, Invalidity and Unenforceability Contentions may be made by order of the Court, upon a timely application and showing of good cause, following the procedures required under Local Rule 7.1(a)(2) for applying to an assigned magistrate judge for non-dispositive relief. The application shall disclose whether the adverse party consents or objects. Non-exhaustive examples of circumstances that may, absent undue prejudice to the adverse party, support a finding of good cause include:

(1) a claim construction by the Court different from that proposed by the party seeking amendment;

(2) recent discovery of material prior art not previously discovered despite an earlier diligent search; and

(3) recent discovery of nonpublic information about the Accused Instrumentality which was not discovered, despite diligent efforts, before the service of the Infringement Contention.

(b) The duty to supplement discovery responses under Fed. R. Civ. P. 26(e) does not excuse the need to obtain leave of Court to amend contentions.

Rule 4 Claim Construction Proceedings

4.1 Inapplicability To Design and Variety of Plant Patents

Unless otherwise requested by a party and determined by the Court to be warranted, the provisions of this Local Patent Rule 4 shall not apply to design or variety of plant patents.

4.2 Exchange of Proposed Terms for Construction

(a) Not later than sixty (60) days after the initial Rule 16 Conference, each party shall serve on each other party a list of claim terms which that party contends should be construed by the Court, and identify any claim term which that party contends should be governed by 35 U.S.C. § 112 (f).

(b) The parties shall thereafter meet and confer for the purpose of limiting the terms in dispute by narrowing or resolving differences and facilitating the ultimate preparation of a Joint Claim Construction and Prehearing Statement.

4.3 Exchange of Preliminary Claim Constructions and Extrinsic Evidence

(a) Not later than twenty-one (21) days after the exchange of lists pursuant to Local Patent Rule 4.2, the parties shall simultaneously exchange preliminary proposed constructions of each term identified by any party for claim construction. Each such Preliminary Claim Construction shall also, for each term which any party contends is governed by 35 U.S.C. § 112 (f), identify the structure(s), act(s), or material(s) corresponding to that term's function.

(b) At the same time the parties exchange their respective Preliminary Claim Constructions, each party shall also identify all references from the specification or prosecution history that support its preliminary proposed construction and designate any supporting extrinsic evidence including, without limitation, dictionary definitions, citations to learned treatises and prior art, and testimony of all witnesses including expert witnesses. Extrinsic evidence shall be identified by production number or by producing a copy if not previously produced. With respect to all witnesses including experts, the identifying party shall also provide a description of the substance of that witness' proposed testimony that includes a listing of any opinions to be rendered in connection with claim construction.

(c) The parties shall thereafter meet and confer for the purposes of narrowing the issues and finalizing preparation of a Joint Claim Construction and Prehearing Statement.

4.4 Joint Claim Construction and Prehearing Statement

(a) Not later than twenty-one (21) days after the exchange of Preliminary Claim Constructions under Local Patent Rule 4.3(a), the parties shall complete and file a Joint Claim Construction and Prehearing Statement, which shall contain the following information:

(1) The construction of those terms on which the parties agree;

(2) Each party's proposed construction of each disputed term, together with an identification of all references from the intrinsic evidence that support that construction, and an identification of any extrinsic evidence known to the party upon which it intends to rely either to support its proposed construction or to oppose any other party's proposed construction, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of all witnesses including experts;

(3) A prioritization of the disputed terms, based upon their significance to the resolution of the case and the Court's construction of those terms and whether they will be case or claim dispositive or substantially conducive to promoting settlement, together with a statement of the significance of each term to the claims and defenses in the case;

(4) The anticipated length of time necessary for the Claim Construction Hearing; and

(5) Whether any party proposes to call any live witnesses to testify at the Claim Construction Hearing, the identity of each such witness and, for each witness, a summary of his or her testimony including, for any expert, each opinion to be offered related to claim construction.

(b) No more than ten (10) patent terms or phrases may be presented to the Court for construction, absent prior leave of Court upon a showing of good cause. The assertion of multiple non-related patents shall, in an appropriate case, constitute good cause. If the parties are unable to agree upon which ten (10) terms are to be presented to the Court for construction, then five (5) shall be allocated to all plaintiffs, jointly, and five (5) to all defendants.

4.5 Completion of Claim Construction Discovery

Not later than thirty (30) days after service and filing of the Joint Claim Construction and Prehearing Statement, the parties shall complete all discovery relating to claim construction, including any depositions with respect to claim construction of any fact and expert witnesses, identified in the Preliminary Claim Construction Statement (Local Patent Rule 4.3) or Joint Claim Construction and Prehearing Statement (Local Patent Rule 4.4).

4.6 Claim Construction Submissions

(a) Not later than forty-five (45) days after serving and filing the Joint Claim Construction and Prehearing Statement, the parties shall contemporaneously file and serve their opening Markman briefs and any evidence supporting claim construction, including experts' certifications or declarations ("Opening Markman Submissions").

(b) Not later than thirty (30) days after the filing of the Opening Markman Submissions, the parties shall contemporaneously file and serve Responding Markman Submissions and any evidence supporting claim construction, including any responding experts' certifications or declarations.

(c) The parties' Markman opening and responsive briefs are subject to the page limits set forth in Local Rule 7.1(b)(1), absent Court permission to exceed those limitations, granted in advance of filing.

4.7 Claim Construction Hearing

Within fourteen (14) days following submission of the briefs and evidence specified in Local Patent Rule 4.6, counsel shall confer and propose to the Court a schedule for a Claim Construction Hearing, to the extent the parties believe, and the Court deems it necessary to conduct such a hearing for construction of the claims at issue.

Rule 5 Post Claim Construction Procedures

5.1 For Cases Not Involving Separate Claim Construction Proceedings

For the purpose of this Local Patent Rule 5, in the case where there is no Claim Construction Proceeding, then any date herein which is otherwise measured from entry of the Court's claim construction order or from the Court's decision on claim construction shall be measured instead from 30 days from the date of service of materials under Local Patent Rule 3, namely the Accused Non-Infringement, Invalidity and Unenforceability Contentions.

5.2 Advice of Counsel

(a) Unless otherwise ordered by the Court, not later than thirty (30) days after entry of the Court's claim construction order, or upon such other date as is set by the Court, each party relying upon advice of counsel as part of a patent-related claim or defense for any reason shall:

(1) Produce or make available for inspection and copying any written advice and documents related thereto for which the attorney-client privilege and work product protection have been waived;

(2) Provide a written summary of any oral advice and produce or make available for inspection and copying that summary and documents related thereto for which the attorney-client privilege and work product protection have been waived; and

(3) Serve a privilege log identifying any documents other than those identified in subpart (1) above, except those authored by counsel acting solely as trial counsel, relating to the subject matter of the advice which the party is withholding on the grounds of attorney-client privilege or work product protection.

(b) After advice of counsel information becomes discoverable pursuant to Local Patent Rule 5.2(a) a party claiming willful infringement may take the depositions of any attorneys preparing or rendering the advice relied upon and any persons who received or claims to have relied upon such advice.

(c) A party who does not comply with the requirements of this Local Patent Rule 5.2 shall not be permitted to rely on advice of counsel for any purpose absent a stipulation of all parties or an order of the Court.

5.3 Opening Expert Reports

A party expecting to offer expert testimony on issues other than claim construction on which it bears the burden of proof, including damages, shall disclose and serve upon all parties the name, address, and curriculum vitae of any expert witness expected to testify at trial, together with a list of publications authored by him or her within the past ten years, and a list of cases in which the expert has given deposition or trial testimony during the past four years, together with a report as required under Fed. R. Civ. P. 26(a)(2)(B), within sixty (60) days following the issuance of the Court's decision on claim construction.

5.4 Responsive Expert Reports

A party expected to offer responsive expert testimony on issues on which the opposing party bears the burden of proof shall disclose and serve upon all parties the name, address, and curriculum vitae, of any expert witnesses expected to testify at trial, together with a list of publications authored by him or her within the past ten years, and a list of cases in which the expert has given deposition or trial testimony during the past four years, together with a report as required under Fed. R. Civ. P. 26(a)(2)(B) within thirty (30) days following disclosure and service of the opposing party's expert report in accordance with Local Patent Rule 5.3.

5.5 Completion of Discovery

All discovery in the case, including expert depositions, must be completed within one hundred twenty (120) days following the issuance of the Court's decision on claim construction.

5.6 Deadline for Filing Dispositive Motions

All dispositive motions in the case shall be filed within thirty (30) days after the scheduled date for the end of all discovery.

APPENDIX A

TIMELINE	
Event	**Deadline**
Rule 26(f) Meeting	21 days prior to Rule 16 conference
Filing of Civil Case Management Plan	14 days prior to Rule 16 conference
Rule 16 Conference	120 Days after filing/removal of the action
Patentee Infringement Contentions	14 days after Rule 16 conference
Accused Non-Infringement/ Invalidity/Unenforceability Contentions	30 days after service of the disclosure of asserted claims and infringement contentions
Exchange of Claim Terms for Construction	60 days after Rule 16 conference
Exchange of Proposed Constructions	21 days after exchange of lists of proposed terms for construction
Joint Claim Construction Statement	21 days after exchange of proposed construction
Completion of Claim Construction Discovery	30 days after filing of joint statement
Opening Markman Briefs	45 days after filing of joint statement
Opposing Markman Briefs	30 days after opening Markman submissions
Advice of Counsel Disclosure	30 days after claim construction decision
Initial Expert Reports (non-claim construction)	60 days after claim construction decision
Responsive Expert Reports	30 days after service of initial expert disclosure
Completion of All Discovery	120 days after claim construction
Filing of Motions	30 days after close of fact discovery
TIMELINE SUMMARY	
Filing of Suit to Full Markman Briefing	297 Days
Claim Construction Decision to Motion Deadline	150 days