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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

	No. CV
Plaintiff,	CASE MANAGEMENT ORDER IN A PATENT CASE
v.	
,	
Defendants.	

The Court enters the following Case Management Order to govern the litigation in this case:

1. Initial Disclosures. The deadline for making the initial disclosures required by Federal Rule of Civil Procedure 26(a)(1) is **14 days** from the date of this Order.
2. Deadline for Joinder, Amending Pleadings, and Filing Supplemental Pleadings. The deadline for joining parties, amending pleadings, and filing supplemental pleadings is ___ **days** from the date of this Order.
3. Federal Rule of Evidence 502(d) Non-Waiver Order. The Court orders that a communication or information covered by the attorney-client privilege or work-product protection that is disclosed in connection with the litigation pending before the Court does not waive the privilege or protection in this or any other federal or state proceeding. This provision does not require any party agreement, and it avoids the need to litigate whether an inadvertent production was reasonable. By reducing the risk of waiver, this Order affords parties the opportunity to reduce the cost of discovery by reducing preproduction

1 privilege review.

2 4. Discovery Limitations. Depositions shall be limited to seven hours each, as
3 provided in Rule 30(d)(1) of the Federal Rules of Civil Procedure. A party may serve on
4 any other party up to 25 interrogatories, including subparts, 25 requests for production of
5 documents, including subparts, and 25 requests for admissions, including subparts. The
6 limitations set forth in this paragraph may be increased by mutual agreement of the parties,
7 but such an increase will not result in an extension of the discovery deadlines set forth in
8 this Order.

9 5. Patent-Specific Disclosures. Because this case includes a claim of patent
10 infringement, the Court will require the parties to provide certain patent-specific
11 disclosures and abide by certain patent-specific deadlines.

12 A. **Asserted Claims and Infringement Contentions.** By ____, a party
13 claiming patent infringement must serve on all parties a “Disclosure of Asserted Claims
14 and Infringement Contentions.” Separately for each opposing party, the “Disclosure of
15 Asserted Claims and Infringement Contentions” must contain the following information:

- 16 1. Each claim of each patent in suit that is allegedly infringed by each
17 opposing party.
- 18 2. Separately for each asserted claim, each accused apparatus, product,
19 device, process, method, act, or other instrumentality (“Accused
20 Instrumentality”) of each opposing party of which the party is aware.
21 This identification must be as specific as possible. Each product,
22 device and apparatus must be identified by name or model number, if
23 known. Each method or process must be identified by name, if
24 known, or by any product, device, or apparatus which, when used,
25 allegedly results in the practice of the claimed method or process.
- 26 3. A chart identifying specifically where each element of each asserted
27 claim is found within each Accused Instrumentality, including for
28 each element that such party contends is governed by 35 U.S.C.

1 § 112(6), the identity of the structure(s), act(s), or material(s) in the
2 Accused Instrumentality that performs the claimed function.

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

9 5. Whether each element of each asserted claim is claimed to be literally
10 present and/or present under the doctrine of equivalents in the
11 Accused Instrumentality.

12 6. For any patent that claims priority to an earlier application, the priority
13 date to which each asserted claim allegedly is entitled.

14 7. If a party claiming patent infringement asserts or wishes to preserve
15 the right to rely, for any purpose, on the assertion that its own
16 apparatus, product, device, process, method, act, or other
17 instrumentality practices the claimed invention, the party must
18 identify, separately for each asserted claim, each such apparatus,
19 product, device, process, method, act, or other instrumentality that
20 incorporates or reflects that particular claim.

21 8. If a party claiming infringement alleges willful infringement, the basis
22 for such allegation.

23 **B. Noninfringement, Unenforceability, And Invalidity Contentions.** By
24 _____, each party opposing a claim of patent infringement must serve on all parties its
25 “Noninfringement, Unenforceability, And Invalidity Contentions,” which must contain the
26 following information:

27 1. Noninfringement Contentions shall contain a chart, responsive to the
28 chart set forth in the “Disclosure of Asserted Claims and Infringement

1 Contentions,” that separately indicates, for each identified element in
2 each asserted claim, to the extent then known by the party opposing
3 infringement, whether such element is present literally or under the
4 doctrine of equivalents in each Accused Instrumentality and, if not,
5 each reason for such denial and the relevant distinctions. Conclusory
6 denials are not permitted.

7 2. Invalidity Contentions must contain the following information to the
8 extent then known to the party asserting invalidity:

9 a. An identification, with particularity, of each item of prior art
10 per asserted patent that allegedly invalidates each asserted
11 claim. Each prior art patent shall be identified by its number,
12 country of origin, and date of issue. Each prior art publication
13 must be identified by its title, date of publication, and where
14 feasible, author and publisher. Prior art in the form of sales,
15 offers for sale, or uses shall be identified by specifying the item
16 offered for sale or publicly used or known, the date the offer or
17 use took place or the information became known, and the
18 identity of the person or entity which made the use or which
19 made and received the offer, or the person or entity which made
20 the information known or to whom it was made known. For a
21 patent governed by the pre-America Invents Act (“AIA”)
22 amendments to the patent statute, any prior art under 35 U.S.C.
23 § 102(f) shall be identified by providing the name of the
24 person(s) from whom and the circumstances under which the
25 invention or any part of it was derived, and prior art under 35
26 U.S.C. § 102(g) (pre-AIA) shall be identified by providing the
27 identities of the person(s) or entities involved in and the
28 circumstances surrounding the making of the invention before

1 the patent applicant(s).

2 b. For each item of prior art, a detailed statement of whether it
3 allegedly anticipates or renders obvious each asserted claim. If
4 a combination of items of prior art allegedly makes a claim
5 obvious, the Invalidity Contentions must identify each such
6 combination and the reasons to combine such items.

7 c. A chart identifying where specifically in each alleged item of
8 prior art each element of each asserted claim is found,
9 including for each element that such party contends is
10 governed by 35 U.S.C. § 112(6)/112(f), a description of the
11 claimed function of that element and the identity of the
12 structure(s), act(s), or material(s) in each item of prior art that
13 performs the claimed function.

14 d. A detailed statement of any grounds of invalidity based on
15 indefiniteness under 35 U.S.C. § 112(2)/112(b), enablement or
16 written description under 35 U.S.C. § 112(1)/112(a), or any
17 other basis.

18 e. A detailed statement of any grounds for contentions that a
19 claim is invalid as non-statutory/patent ineligible under 35
20 U.S.C. §101.

21 3. Unenforceability contentions shall identify the acts allegedly
22 supporting and all bases for the assertion of unenforceability.

23 C. **Amendment Of Contentions.** Amendment of the “Disclosure of Asserted
24 Claims and Infringement Contentions” or the “Noninfringement, Unenforceability, And
25 Invalidity Contentions” may be made only by order of the Court upon a timely showing of
26 good cause. Non-exhaustive examples of circumstances that may, absent undue prejudice
27 to the non-moving party, support a finding of good cause include: (i) a claim construction
28 by the Court different from that proposed by the party seeking amendment; (ii) recent

1 discovery of material, prior art despite earlier diligent search; and (iii) recent discovery of
2 nonpublic information about the Accused Instrumentality which was not discovered,
3 despite diligent efforts, before the service of the “Disclosure of Asserted Claims and
4 Infringement Contentions.” The duty to supplement discovery responses does not excuse
5 the need to obtain leave of court to amend contentions.

6 **D. Exchange Of Proposed Terms For Construction.** By ____, each party
7 shall serve on each other party a list of claim terms which that party contends should be
8 construed by the Court, and identify any claim term which that party contends should be
9 governed by 35 U.S.C. § 112(6). The parties shall thereafter meet and confer for the
10 purpose of limiting the terms in dispute by narrowing or resolving differences and
11 facilitating the ultimate preparation of a Joint Claim Construction and Prehearing
12 Statement. The parties shall also jointly identify the 10 terms likely to be most significant
13 to resolving the parties’ dispute, including those terms for which construction may be case
14 or claim dispositive.

15 **E. Exchange of Preliminary Claim Constructions.** By ____, the parties shall
16 simultaneously exchange proposed constructions of each term identified by either party for
17 claim construction. Each such Preliminary Claim Construction shall also, for each term
18 which any party contends is governed by 35 U.S.C. § 112(6), identify the structure(s),
19 act(s), or material(s) corresponding to that term’s function. At the same time the parties
20 exchange their respective Preliminary Claim Constructions, each party shall also identify
21 all references from the specification or prosecution history that support its proposed
22 construction and designate any supporting extrinsic evidence including, without limitation,
23 dictionary definitions, citations to learned treatises and prior art, and testimony of
24 percipient and expert witnesses. Extrinsic evidence shall be identified by production
25 number or by producing a copy if not previously produced. With respect to any supporting
26 witness, percipient or expert, the identifying party shall also provide a description of the
27 substance of that witness’ proposed testimony that includes a listing of any opinions to be
28 rendered in connection with claim construction. The parties shall thereafter meet and

1 confer for the purposes of narrowing the issues and finalizing preparation of a Joint Claim
2 Construction and Prehearing Statement.

3 F. **Joint Claim Construction Statement.** By ____, the parties shall complete
4 and file a Joint Claim Construction Statement, which shall contain the following
5 information:

- 6 1. The construction of those terms on which the parties agree.
- 7 2. Each party's proposed construction of each disputed term, together
8 with an identification of all references from the specification or
9 prosecution history that support that construction, and an
10 identification of any extrinsic evidence known to the party on which
11 it intends to rely either to support its proposed construction or to
12 oppose any other party's proposed construction, including, but not
13 limited to, as permitted by law, dictionary definitions, citations to
14 learned treatises and prior art, and testimony of percipient and expert
15 witnesses.
- 16 3. An identification of the terms whose construction will be most
17 significant to the resolution of the case up to a maximum of 10. The
18 parties shall also identify any term among the 10 whose construction
19 will be case or claim dispositive. If the parties cannot agree on the 10
20 most significant terms, the parties shall identify the ones which they
21 do agree are most significant and then they may evenly divide the
22 remainder with each party identifying what it believes are the
23 remaining most significant terms. However, the total terms identified
24 by all parties as most significant cannot exceed 10. For example, in a
25 case involving two parties, if the parties agree upon the identification
26 of five terms as most significant, each may only identify two
27 additional terms as most significant; if the parties agree upon eight
28 such terms, each party may only identify only one additional term as

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most significant.

- 4. Anticipated length of time necessary for the Claim Construction Hearing.
- 5. Whether any party proposes to call one or more witnesses at the Claim Construction Hearing, and the identity of each such witness.
- 6. An identification of any factual findings requested from the Court related to claim construction.

G. **Claim Construction Expert Disclosures.** By ____, any party that intends to rely on any witness who will give expert testimony to support that party’s proposed constructions shall serve the other party or parties with a claim construction expert report for that witness. Such reports shall comply with the disclosure requirements of Fed. R. Civ. P. 26(A)(2)(B).

H. **Claim Construction Discovery.** By ____, the parties shall complete all discovery relating to claim construction, including any depositions with respect to claim construction of any witnesses, including experts, identified in the Preliminary Claim Construction statement or Joint Claim Construction Statement

I. **Claim Construction Briefs.**

- 1. By ____, the party claiming patent infringement (or the party asserting invalidity if there is no infringement issue present in the case) shall serve and file an opening brief and any evidence supporting its claim construction.
- 2. By ____, each opposing party shall serve and file its responsive brief and supporting evidence.
- 3. By ____, the party claiming patent infringement (or the party asserting invalidity if there is no infringement issue present in the case) shall serve and file any reply brief and any evidence directly rebutting the supporting evidence contained in an opposing party’s response.

J. **Claim Construction Hearing** Following submission of the reply brief

1 specified in § 5.I.3 above, the Court may conduct a Claim Construction Hearing, to the
2 extent the parties or the Court believe a hearing is necessary for construction of the claims
3 at issue.

4 6. Fact Discovery. The deadline for completion of fact discovery, including discovery
5 by subpoena and all disclosure required under Rule 26(a)(3), shall be __ **days** following
6 the Court's issuance of the Claim Construction ruling. To ensure compliance with this
7 deadline, the following rules shall apply:

8 A. Depositions: All depositions shall be scheduled to start at least five working
9 days before the discovery deadline. A deposition started five days before the deadline may
10 continue up until the deadline, as necessary.

11 B. Written Discovery: All interrogatories, requests for production of
12 documents, and requests for admissions shall be served at least **45 days** before the fact
13 discovery deadline.

14 C. Notwithstanding Local Rule of Civil Procedure 7.3, the parties may mutually
15 agree in writing, without Court approval, to extend the time for providing discovery in
16 response to requests under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure.
17 Such agreed-upon extensions, however, shall not alter or extend the deadlines set forth in
18 this Order.

19 D. Notwithstanding any provisions of the Federal Rules of Civil Procedure, non-
20 party witnesses shall **not** be permitted to attend (either physically, electronically, or
21 otherwise) the deposition of any other witness in this case without an order of this Court to
22 the contrary.

23 7. Expert Disclosures, Expert Discovery, and Motions Challenging Expert Testimony.

24 A. The party with the burden of proof on an issue shall provide full and complete
25 expert disclosures, as required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil
26 Procedure, no later than _____.

27 B. The responding party (not having the burden of proof on the issue) shall
28 provide full and complete expert disclosures, as required by Rule 26(a)(2)(A)-(C) of the

1 Federal Rules of Civil Procedure, no later than _____.

2 C. The party with the burden of proof on the issue shall make its rebuttal expert
3 disclosures, if any, no later than _____. Rebuttal experts shall be limited to
4 responding to opinions stated by the opposing party’s experts.

5 D. No depositions of any expert witnesses shall occur before the aforementioned
6 disclosures concerning expert witnesses are made.

7 E. Expert depositions shall be completed no later than _____. All
8 expert depositions shall be scheduled to commence at least five working days before this
9 deadline.

10 F. Disclosures under Rule 26(a)(2)(A) of the Federal Rules of Civil Procedure
11 must include the identities of treating physicians and other witnesses who will provide
12 testimony under Federal Rules of Evidence 702, 703, or 705, but who are not required to
13 provide expert reports under Rule 26(a)(2)(B). Rule 26(a)(2)(C) disclosures are required
14 for such witnesses on the dates set forth above. Rule 26(a)(2)(C) disclosures must identify
15 not only the subjects on which the witness will testify, but must also provide a summary of
16 the facts and opinions to which the expert will testify. The summary, although not as
17 detailed as a Rule 26(a)(2)(B) report, must be sufficiently detailed to provide fair notice of
18 what the expert will say at trial.¹

19 G. As stated in the Advisory Committee Notes to Rule 26 of the Federal Rules
20 of Civil Procedure (1993 amendment), expert reports under Rule 26(a)(2)(B) must set forth
21 “the testimony the witness is expected to present during direct examination, together with
22 the reasons therefor.” Full and complete disclosures of such testimony are required on the
23 dates set forth above. Absent extraordinary circumstances, parties will not be permitted to
24 supplement expert reports after these dates. The Court notes, however, that it usually

25 ¹ In *Goodman v. Staples The Office Superstore, LLC*, 644 F.3d 817 (9th Cir. 2011),
26 the Ninth Circuit held that “a treating physician is only exempt from Rule 26(a)(2)(B)’s
27 written report requirement to the extent that his opinions were formed during the course of
28 treatment.” *Id.* at 826. Thus, for opinions formed outside the course of treatment, Rule
26(a)(2)(B) written reports are required. *Id.* For opinions formed during the course of
treatment, Rule 26(a)(2)(C) disclosures will suffice.

1 permits parties to present opinions of their experts that were elicited by opposing counsel
2 during depositions of the experts. Counsel should depose experts with this fact in mind.

3 H. Each side shall be limited to one retained or specifically employed expert
4 witness per issue.

5 I. An untimely-disclosed expert will not be permitted to testify unless the party
6 offering the witness demonstrates that (a) the necessity of the expert witness could not have
7 been reasonably anticipated at the time of the disclosure deadline, (b) the opposing counsel
8 or unrepresented parties were promptly notified upon discovery of the expert witness, and
9 (c) the expert witness was promptly proffered for deposition. *See Wong v. Regents of Univ.*
10 *of Cal.*, 410 F.3d 1052, 1060 (9th Cir. 2005).

11 J. Any motions challenging expert testimony must be filed no later than 28 days
12 after the deadline for close of expert discovery.

13 8. Discovery Disputes.

14 A. The parties shall not file written discovery motions without leave of the
15 Court. Except during a deposition, if a discovery dispute arises and cannot be resolved
16 despite sincere efforts to resolve the matter through personal consultation (in person or by
17 telephone), the parties shall jointly file (1) a brief written summary of the dispute, not to
18 exceed three pages per side,² explaining the position taken by each party, and (2) a joint
19 written certification that counsel or the parties have attempted to resolve the matter through
20 personal consultation and sincere efforts as required by Local Rule of Civil Procedure
21 7.2(j) and have reached an impasse. If the opposing party has refused to personally consult,
22 the party seeking relief shall describe the efforts made to obtain personal consultation.
23 Upon review of the written submission, the Court may set a telephonic conference, order
24 written briefing, or decide the dispute without conference or briefing. Any briefing ordered
25 by the Court shall also comply with Local Rule of Civil Procedure 7.2(j).

26 _____
27 ² The discovery dispute summary shall adhere to the formatting requirements of
28 LRCiv 7.1(b)(1). Discovery dispute filings that do not conform to the procedures outlined
in this paragraph, including the page limitation, may be summarily stricken.

1 B. If a discovery dispute arises in the course of a deposition and requires an
2 immediate ruling of the Court, the parties shall jointly telephone the Court to request a
3 telephone conference regarding the dispute.

4 C. Absent extraordinary circumstances, the Court will not entertain fact
5 discovery disputes after the deadline for completion of fact discovery and will not entertain
6 expert discovery disputes after the deadline for completion of expert discovery. Delay in
7 presenting discovery disputes for resolution is not a basis for extending discovery
8 deadlines.

9 9. Dispositive Motions.

10 A. Dispositive motions shall be filed no later than _____.

11 B. No party shall file more than one motion for summary judgment under Rule
12 56 of the Federal Rules of Civil Procedure without leave of the Court.

13 C. Local Rule of Civil Procedure 56.1 is suspended, except for subsection (d).
14 The Court will decide summary judgment motions under Federal Rule of Civil Procedure
15 56 only. In other words, the parties may not file separate statements of facts or separate
16 controverting statements of facts, and instead must include all facts in the motion, response,
17 or reply itself. All evidence to support a motion or response that is not already part of the
18 record must be attached to the briefs. The evidence may include only relevant excerpts
19 rather than full documents. The only evidence that may be attached to a reply is evidence
20 intended to rebut arguments raised for the first time in the non-movant's response. Because
21 no separate controverting statement of facts will be permitted, the responding party must
22 carefully address all material facts raised in the motion. Likewise, the reply must carefully
23 address all material facts raised in the response. Any fact that is ignored may be deemed
24 uncontested. Procedurally, immediately following the motion should be a numerical table
25 of contents for the exhibits. The table of contents shall include only a title for each exhibit,
26 not a description. Following the table of contents should be each exhibit (unless the
27 document is already part of the record), numbered individually. Immediately following
28 the response to the motion should be an alphabetical table of contents (again, the table of

1 contents shall include only a title for each exhibit, not a description). Following the table
2 of contents should be each exhibit (unless the document is already part of the record),
3 labeled alphabetically. By way of example, citations to exhibits attached to the motion
4 would be “(Ex. 1 at 7)” and citations to exhibits attached to the response would be “(Ex. D
5 at 3).” Citations to documents that are already part of the record shall reference the docket
6 number where the document can be found and include a pin cite to the relevant page—for
7 example, “(Doc. 15 at 4).”

8 D. The parties shall not notice oral argument on any motion. Instead, a party
9 desiring oral argument shall place the words “Oral Argument Requested” immediately
10 below the title of the motion pursuant to Local Rule of Civil Procedure 7.2(f). The Court
11 may decline the request and decide the motion without holding oral argument. If the
12 request is granted, the Court will issue a minute entry informing the parties of the argument
13 date and time.

14 10. Motions for Attorneys’ Fees. All motions for an award of attorneys’ fees shall be
15 accompanied by an electronic Microsoft Excel spreadsheet, to be emailed to the Court and
16 opposing counsel, containing an itemized statement of legal services with all information
17 required by Local Rule 54.2(e)(1). This spreadsheet shall be organized with rows and
18 columns and shall automatically total the amount of fees requested to enable the Court to
19 efficiently review and recompute, if needed, the total amount of any award after
20 disallowing any individual billing entries. This spreadsheet does not relieve the moving
21 party of its burden under Local Rule 54.2(d) to attach all necessary supporting
22 documentation to its motion. A party opposing a motion for attorneys’ fees shall email to
23 the Court and opposing counsel a copy of the moving party’s spreadsheet, adding any
24 objections to each contested billing entry (next to each row, in an additional column) to
25 enable the Court to efficiently review the objections. This spreadsheet does not relieve the
26 non-moving party of the requirements of Local Rule 54.2(f) concerning its responsive
27 memorandum.

28 11. Tentative Rulings. Before holding oral argument, the Court sometimes issues a

1 “tentative ruling”—a working draft of the order resolving the pending motion(s)—to allow
2 the parties to focus their argument on the issues that seem salient to the Court and to
3 maximize their ability to address any perceived errors in the Court’s logic. If a tentative
4 ruling issues, it is not an invitation to submit additional evidence or briefing. If the parties
5 choose not to proceed with oral argument after reviewing the tentative ruling, the parties
6 may stipulate to issuance of an order substantively identical to the tentative ruling.³

7 12. Good Faith Settlement Talks. All parties and their counsel shall meet in person and
8 engage in good faith settlement talks no later than _____. Upon completion of
9 such settlement talks, and in no event later than five working days after the deadline set
10 forth in the preceding sentence, the parties shall file with the Court a joint report on
11 settlement talks executed by or on behalf of all counsel. The report shall inform the Court
12 that good faith settlement talks have been held and shall report on the outcome of such
13 talks. The parties shall indicate whether assistance from the Court is needed in seeking
14 settlement of the case. The Court will set a settlement conference before a magistrate judge
15 upon request of all parties. The parties are reminded that they are encouraged to discuss
16 settlement at all times during the pendency of the litigation, but the Court will not extend
17 the case management deadlines if and when the parties elect to pursue settlement efforts,
18 including a settlement conference before a magistrate judge. The parties should plan their
19 settlement efforts accordingly. The parties shall promptly notify the Court if settlement is
20 reached.

21 13. The Deadlines Are Real. The Court intends to enforce the deadlines set forth in this
22 Order, and the parties should plan their litigation activities accordingly.

23 14. Briefing Requirements.

24 A. All memoranda filed with the Court shall comply with Local Rule of Civil
25 Procedure 7.1(b) requiring 13-point font in text and footnotes.

26 _____
27 ³ The Court might make stylistic changes before finalizing the order. If the tentative
28 ruling contains any factual error, the parties may note the error in the stipulation to allow
for correction.

1 B. Citations in support of any assertion in the text shall be included in the text,
2 not in footnotes.

3 C. To ensure timely case processing, a party moving for an extension of time,
4 enlargement of page limitations, leave to amend, or leave to file a document under seal
5 shall indicate in the motion whether the non-movant opposes the request and intends to file
6 a written response. If such a motion does not so indicate, it may be denied for failure to
7 comply with this Order.

8 15. Deadline for Notice of Readiness for Trial. The Plaintiff(s) shall notify the Court
9 that the parties are ready to proceed to trial. The Plaintiff(s) shall file and serve this notice
10 within seven days after the dispositive motion deadline if no dispositive motions are
11 pending on that date. If dispositive motions are pending, Plaintiff(s) shall file and serve
12 such notice within seven days after the resolution of the dispositive motions. The Court
13 will then issue an order identifying a window of time when the Court is available for trial
14 and instructing the parties to propose dates from within this window when all parties,
15 counsel, and witnesses are available to begin trial. The Court will then issue an order
16 setting a firm date for trial and the final pretrial conference that (a) sets deadlines for
17 briefing motions in limine, (b) includes a form for the completion of the parties' joint
18 proposed final pretrial order, and (c) otherwise instructs the parties concerning their duties
19 in preparing for the final pretrial conference.

20 16. Dismissal for Failure to Meet Deadlines. The parties are warned that failure to meet
21 any of the deadlines in this Order or in the Federal or Local Rules of Civil Procedure
22 without substantial justification may result in sanctions, including dismissal of the action
23 or entry of default.

24 17. Requirement for Paper Courtesy Copies. A paper courtesy copy of dispositive
25 motions and any responses or replies thereto, as well as claim construction briefs and
26 statements, shall be either postmarked and mailed to the judge or hand-delivered *to the*
27 *judge's mail box* located in the courthouse by the next business day after the electronic
28 filing. Please do not attempt to deliver documents to the Judge's chambers. A copy of the

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face page of the Notice of Electronic Filing shall be appended to the last page of the courtesy copy. Courtesy copies of documents too large for stapling must be bound with a metal prong fastener at the top center of the document or submitted in three-ring binders.