

III. Patent Disclosures

3.10. Amending and Supplementing Contentions; Final Contentions.

- (a) Unless otherwise ordered by the Court, the parties' contentions and responses shall have the same binding effect on a party as a response to an interrogatory made under Rule 33 of the Federal Rules of Civil Procedure. The parties' disclosures and responses may be amended or supplemented without leave of court until the Final Contentions are due under L. P. R. 3.10(b)-(d); provided, however, that after submission of the exchange of claim terms under L. P. R. 4.1(c), additional claims in the patent(s) in suit may not be asserted without obtaining leave from the Court for good cause shown.
- (b) Each party claiming patent infringement must serve on all parties "Final Infringement Contentions" containing the information required L. P. Rule 3.1 within fifteen (15) days of the Court's claim construction ruling.
- (c) Each party asserting non-infringement, invalidity or unenforceability of a patent claim shall serve on all other parties "Final Noninfringement Contentions" and "Final Invalidity and Unenforceability Contentions" containing the information required by L. P. R. 3.3 and 3.5 within thirty (30) calendar days of the Court's claim construction ruling. With the Final Invalidity Contentions, the party asserting invalidity of any patent claim shall produce or make available for inspection and copying: a copy or sample of all prior art identified pursuant to L. P. R. 3.6, to the extent not previously produced. If any such item is not in English, an English translation of the portion(s) relied upon shall be produced. The producing party shall separately identify by production number which documents correspond to each category.
- (d) Each party claiming patent infringement must serve on all parties "Final Validity and Enforceability Contentions" containing the information required by L. P. R. 3.7 within forty-five (45) days of the Court's claim construction ruling.
- (e) A party may amend the final contentions required under L. P. R. 3.9(b)-(d) only by order of the Court upon a showing of good cause and absence of unfair prejudice, made in timely fashion following discovery of the basis for such amendment. The duty to supplement discovery responses does not excuse the need to obtain leave of court to amend contentions.