

Local Patent Rules - Northern District of Ohio

III. Patent Disclosures

3.3. Initial Noninfringement Contentions.

Not later than thirty (30) days after service upon it of the Infringement Contentions, each party opposing a claim of patent infringement, shall serve on all parties Noninfringement Contentions which shall contain the following information:

- (a) A chart, responsive to the chart required by L. P. R. 3.1(c), that identifies as to each identified element in each asserted claim (1) 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 (2) for each limitation that such party contends is governed by 35 U.S.C. § 112(6), the corresponding structure and function, (if different from that identified in L. P. R. 3.1(c)), whether or not such structure and function are found in the Accused Instrumentality, and/or any basis for claiming that such limitation is invalid for indefiniteness; and
- (b) A statement that the proper parties have been served or, if the proper parties have not been served, a statement identifying the proper parties to the extent they are known.