

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

_____ ,

Case No. _____

Plaintiff(s),

-vs-

JUDGE PAMELA A. BARKER

_____ ,

Defendant(s).

**CASE MANAGEMENT CONFERENCE
ORDER**

A Case Management Conference (“CMC”) was held in this matter on _____. The parties and counsel of record agreed to the following, and **IT IS ORDERED** that:

1. This case is assigned to the [**expedited, standard, complex, administrative, mass tort**] track.
2. This case was referred to Alternative Dispute Resolution (“ADR”):
Yes _____ No _____ Decision delayed _____
If yes, by the following ADR process: Early Neutral Evaluation _____ Mediation _____
Arbitration _____ Summary Jury Trial _____ Summary Bench Trial _____
3. The parties **do/do not** consent to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c) at this time.

4. **Schedule Through Claim Construction**

Date	Action
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_____	FRCP 26(a)(1) Initial Disclosures
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_____	Plaintiff to serve infringement contentions and accompanying document production. (L.P.R. 3.1, 3.2) (15 days from responsive pleading)
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_____	Defendant to serve non-infringement contentions and accompanying document production. (L.P.R. 3.3-3.4) (30 days later).
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- _____ Defendant to serve invalidity and unenforceability contentions and accompanying document production. (L.P.R.3.5- 3.6) (80 days from responsive pleading).
- _____ Exchange of initial claim terms for construction. (L.P.R. 4.1(a)) (95 days from responsive pleading)
- _____ Patent Validity and Enforceability Contentions (Plaintiffs) (L.P.R. 3.7) (20 days from invalidity/unenforceability contentions)
- _____ Disclosure of claim constructions(s) expert and report(s), if any (L.P.R 4.3(a)) (15 days from preliminary claim constructions).
- _____ Exchange of final claim terms for construction. (L. P. R. 4.1(c)) (115 days from responsive pleading)
- _____ Disclosure of rebuttal claim construction expert(s) and report(s), if any (L.P.R. 4.3(b)) (15 days from claim construction experts)
- _____ Exchange of proposed constructions and supporting evidence (L.P.R 4.2 (a) and (b)) (15 days from claim terms identification)
- _____ Last day to complete expert claim construction depositions (L.P.R 4.3(a)) (15 days from rebuttal experts. (15 days from rebuttal experts)
- _____ Exchange of final claim constructions (L.P.R 4.2(c)) (5 days from claim construction discovery)
- _____ Opening claim construction submissions (L.P.R. 4.4(a)). (15 days from final claim constructions)
- _____ Responsive claim construction submissions (L.P.R. 4.4 (b)) (30 days from pending claim construction submissions)
- _____ Joint claim construction and prehearing statement (L.P.R. 4.5) (5 days from responsive claim construction submissions)

The remaining deadlines will be addressed after claim construction is concluded by the Court.

5. A **[telephonic/in-person] status conference with lead counsel is set for _____ at _____ a.m./p.m.** Counsel shall confer within five (5) business days of the scheduled conference to discuss outstanding issues and respective positions as to settlement. Counsel shall provide to the Court within three (3) business days of the conference, a joint Status Report or confidential individual Status Reports describing the status of discovery, settlement positions, and issues to be addressed. The Status Reports need not be filed, but may be delivered via email to Barker_Chambers@ohnd.uscourts.gov
6. A **Settlement Conference is set for _____ at _____ a.m./p.m.** in Room 16A. Parties and lead counsel must appear in person unless otherwise ordered by the Court. “Parties” means the named individuals or, in the case of a corporation or similar legal entity, a person with knowledge of the facts who has full settlement authority. In addition, if there is insurance that arguably covers a party’s claim(s), an insurance representative with settlement authority shall also attend the Settlement Conference. If the presence of a party, lead counsel, or insurance representative will constitute an undue hardship, a written motion to excuse the presence of such person must be filed seven (7) days prior to the Settlement Conference. Within five (5) days of the Settlement Conference, each party shall submit to the Court a confidential Settlement Statement that includes the current status of any and all settlement negotiations, a summary of the parties’ respective positions, and an outline of factual and damage allegations. The parties’ Settlement Statements shall not be filed with the Clerk, but shall be emailed to Chambers at Barker_Chambers@ohnd.uscourts.gov. Unless requested by all parties, copies of the Settlement Statements shall not be provided to the other parties in the case.

IT IS SO ORDERED.