

Local Patent Rules - Northern District of Ohio

II. General Provisions

2.1 Governing Procedure

(a) **Planning Meeting.** The parties shall confer no less than ten days before the Case Management Conference to discuss and address in the Joint Planning Report the topics set forth in Fed. R. Civ. P. 26(f) and LR 16.3(b)(3), as well as the following topics:

- (1) Any modification to the deadlines set by these Local Patent Rules;
- (2) Any anticipated motions that might affect the deadlines set by these Local Patent Rules, including motions for preliminary injunction and to add or substitute parties, and a proposed briefing schedule;
- (3) Any issues that might be the proper subject of an early motion for summary judgment or partial summary judgment;
- (4) The field of the claimed invention(s), claims asserted, number of claim terms to be construed, and the allegedly infringing activity or product;
- (5) Any modification to the limits on interrogatories and/or depositions set forth in the Federal Rules of Civil Procedure;
- (6) Any deviations from the form Patent Protective Order set forth in Appendix A to these Local Patent Rules;
- (7) 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;
- (8) Whether the parties will agree to the electronic exchange of pleadings, notices, discovery, and other mandated disclosures not otherwise served electronically via the Court's electronic filing system;
- (9) The susceptibility of this action to resolution by Alternative Dispute Resolution; and
- (10) The appointment of a Special Master.

(b) **Joint Planning Report.** No later than five days before the Case Management Conference, the plaintiff, on behalf of all parties, must file with the Court a Joint Planning Report in the form provided in Appendix B to these Local Patent Rules or in any other form ordered by the Court. Statements made by the parties in the Joint Planning Report will be used for case management purposes only and shall not be used to limit or otherwise restrict a party's ability to seek relief from the Court at a later date with respect to issues addressed or not addressed in the Joint Planning Report.

(c) **Case Management Conference.**

- (1) **Agenda.** The general agenda for the Case Management Conference is set by LR 16.3(b). The parties also should be prepared to discuss with the Court all of the matters addressed in the parties' Joint Planning Report, including the status of settlement discussions and the utilization of Alternative Dispute Resolution methods under L.R. 16.4-16.10.

Local Patent Rules - Northern District of Ohio

- (2) **Technology At Issue.** Each party should be prepared to discuss the technology at issue during the Case Management Conference. This includes the general technology at issue, the patent(s) in suit, and each accused apparatus, product, device, process, method, act, or other instrumentality of each opposing party that is accused of infringing (each, an “Accused Instrumentality”). In addition to the foregoing, each party opposing a claim of infringement is expected to bring a sample or representation (e.g., photographs, video, specifications, etc.) of each Accused Instrumentality.
- (3) **Master.** The parties should be prepared to discuss with the Court whether they would consent to the appointment of a master (a Magistrate Judge or otherwise) who would provide assistance to the parties and the Court. Cases for which a master is appointed shall be considered for expedited treatment.
- (4) **Attendance by Parties.** All parties, lead counsel, and a representative with full authority for settlement purposes shall attend the Case Management Conference. “Parties” means either the named individuals or, in the case of a corporation or similar legal entity, a person familiar with the facts of the case, including the patented technology or allegedly infringing technology.