

Local Patent Rules - Northern District of Ohio

III. Patent Disclosures

3.8 Disclosure Requirements for Patent Cases for Declaratory Judgment of Invalidity

In all cases in which a party files a complaint or other pleading seeking a declaratory judgment that a patent is invalid, L. P. R. 3.1-3.4 shall not apply unless and until a claim for patent infringement is made by a party in the Responsive Pleading. If the defendant does not assert a claim for patent infringement in its Responsive Pleading, the party seeking a declaratory judgment of invalidity shall make its required disclosures under L. P. R. 3.5 and 3.6 within thirty (30) days of the Responsive Pleading. All other deadlines and requirements under the Local Patent Rules shall remain the same. This L. P. R. 3.8 shall not apply to cases in which a request for a declaratory judgment that a patent is invalid is filed in response to a complaint for infringement of the same patent.