

IV. Claim Construction Proceedings

4.2 Exchange of Preliminary and Final Claim Constructions and Evidence

- (a) Not later than fifteen (15) calendar days after the exchange of the lists pursuant to L. P. R. 4.1(c), the parties shall simultaneously exchange preliminary proposed constructions of each term identified by any party for claim construction. Each such “Preliminary Claim Construction” shall also, for each term which any party contends is governed by 35 U.S.C. § 112(6), identify the structure(s), act(s), or material(s) corresponding to that term’s function.
- (b) At the same time the parties exchange their respective “Preliminary Claim Constructions,” each party shall also identify all references from the specification or prosecution history that support its preliminary proposed construction and designate any supporting extrinsic evidence including, without limitation, dictionary definitions, citations to learned treatises and prior art and testimony of all witnesses including expert witnesses. Extrinsic evidence shall be identified by production number or by producing a copy if not previously produced. The parties shall further identify any fact witness including a brief description of the subject matter of each witness’ anticipated testimony.
- (c) Not later than five (5) days after the completion of expert claim construction discovery pursuant to L. P. R. 4.3(c) or fifty (50) days after the exchange of Preliminary Claim Constructions pursuant to L. P. R. 4.2(b) in the event that no expert is identified, the parties shall simultaneously exchange final proposed constructions of each term identified by any party for claim construction. Each such “Final Claim Construction” shall also, for each term which any party contends is governed by 35 U.S.C. § 112(6), identify the structure(s), act(s), or material(s) corresponding to that term’s function. The parties shall also identify the information set forth in L.P.R. 4.2(b), as well as any expert testimony the party intends to rely upon in support of its proposed claim construction.