UNITED STATES DISTRICT COURT

 FOR THE DISTRICT OF KANSAS

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Plaintiff(s),

v. Case No. \_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Defendant(s).

 **INITIAL PATENT SCHEDULING ORDER**

On [date], in accordance with Fed. R. Civ. P. 16, the undersigned U.S. Magistrate Judge, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, conducted a scheduling conference in this case with the parties.[[1]](#footnote-1) Plaintiff appeared [through counsel, *(list attorneys)*] [in person]. Defendant appeared [through counsel, *(list attorneys)*] [in person].

After consultation with the parties and mindful of the Patent Local Rules, the court enters this initial patent scheduling order:

|  |
| --- |
|  SUMMARY OF DEADLINES AND SETTINGS |
|  Event |  Deadline/Setting |
| Service of Rule 26(a) Initial Disclosures |  |
| Deadline for amending pleadings |  |
| Deadline for completing mediation |  |
| Submit Proposed Protective Order | [14 days before Rule 16 Conference] |
| Service of Disclosure of Asserted Claims and Infringement Contentions and Document Production Accompanying Disclosure | [21 days after Rule 16 Conference] |
| Service of Invalidity Contentions and Document Production Accompanying Invalidity Contentions | [70 days after service of Disclosure of Asserted Claims and Infringement Contentions] |
| Exchange of Proposed Terms for Construction | [14 days after service of Invalidity Contentions] |
| Exchange of Preliminary Claim Constructions and Extrinsic Evidence | [21 days after exchange of Proposed Terms for Construction] |
| File Joint Claim Construction Statement | [42 days after exchange of Proposed Terms for Construction] |
| Completion of claim construction discovery | [28 days after filing of Joint Claim Construction Statement] |
| Service of opening claim construction brief | [42 days after filing of Joint Claim Construction Statement] |
| Service of responsive claim construction brief | [28 days after service of opening brief] |
| Service of reply claim construction brief | [14 days after service of responsive brief] |
| File Final Claim Construction Chart | [7 days before claim construction hearing] |
| Claim Construction Hearing (court’s discretion) | [to be determined] |
| Service of Amended Infringement Contentions | [28 days after filing by court of its claim construction order] |
| Deadline for Advice of Counsel | [42 days after filing by court of its claim construction order] |
| Parties submit joint proposed scheduling order for remaining deadlines in action | [42 days after filing by court of its claim construction order] |
| Service of Amended Invalidity Contentions | [56 days after filing by court of its claim construction order] |

1. **Modification to Patent Local Rules.**

The parties propose the following modifications to the obligations or deadlines set forth in the Patent Local Rules. *(List modifications to the obligations or deadlines and provide a concise explanation for the modification.)*

1. **Discovery.**
	1. The court [considered] [resolved] the following discovery problem(s) raised by one or more of the parties. *(List problems and proposed resolutions, if any.)*
	2. The parties agree that electronically stored information (ESI) in this case will be handled as follows: *(Describe the parties’ ESI agreement.)*
	3. No party may serve more than \_\_ interrogatories, including all discrete subparts, on any other party.
	4. No more than \_\_ depositions may be taken by plaintiff, and no more than \_\_ depositions may be taken by defendant. Each deposition is limited to \_\_ hours [except for the deposition(s) of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, which is limited to \_\_ hours]. All depositions are governed by the written guidelines that are available on the court’s website (<https://ksd.uscourts.gov/file/843>)
2. **Professionalism.**

This court, like the Kansas Supreme Court, has formally adopted the Kansas Bar Association’s *Pillars of Professionalism* (2012) as aspirational goals to guide lawyers in their pursuit of civility, professionalism, and service to the public. Counsel are expected to familiarize themselves with the *Pillars of Professionalism* (<https://ksd.uscourts.gov/file/283>) and conduct themselves accordingly.

This initial patent scheduling order will not be modified except by leave of court upon a showing of good cause.

IT IS SO ORDERED.

Dated \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Kansas.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(Judge’s name)*

U.S. Magistrate Judge

1. As used in this initial patent scheduling order, the term “plaintiff” includes plaintiffs as well as counterclaimants, cross-claimants, third-party plaintiffs, intervenors, and any other parties who assert affirmative claims for relief. The term “defendant” includes defendants as well as counterclaim defendants, cross-claim defendants, third-party defendants, and any other parties who are defending against affirmative claims for relief. [↑](#footnote-ref-1)