

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Plaintiff(s), : ___ Civ. ___ (LGS)
-v- :
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Defendant(s). :
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LORNA G. SCHOFIELD, United States District Judge:

The parties propose the following schedule for this matter:

1. Any party claiming infringement shall complete its disclosure of asserted claims, infringement contentions, and other items required by Local Patent Rules 3-1 and 3-2 of the Eastern District of Texas (“Texas Rules”) no later than _____. **[45 days after the Initial Pretrial Conference]**
2. Any party opposing a claim of patent infringement shall complete its invalidity contentions (per SDNY Rule 7) and shall comply with the provisions Texas Rules 3-3 and 3-4 by _____. **[45 days after No. 1]**
3. The parties shall exchange proposed terms of claim elements for construction as required by Texas Rule 4-1 by _____. **[10 days after No. 2]**
4. The parties shall exchange preliminary claim construction and extrinsic evidence as required by Texas Rule 4-2 by _____. **[20 days after No. 3]**
5. The parties shall submit a joint claim construction and prehearing statement as required by Texas Rule 4-3 by _____. **[30 days after No. 4]**
6. The parties shall complete all discovery related to claim construction, including any depositions with respect to claim construction of any witnesses, such as experts identified in the joint claim construction and prehearing statement, as required by Texas Rule 4-4 by _____. **[30 days after No. 5]**
7. The parties shall appear for a case management conference on _____ at _____ am/pm. **[7 days after No. 6]**

8. The party asserting infringement, or the party asserting invalidity if there is no infringement issue present in the case, shall file an opening claim construction brief and all supporting evidence and testimony by _____. **[30 days after No. 6]** The opposing party shall file a response to the opening claim construction brief and all supporting evidence and testimony by _____. **[30 days from the filing of the opening brief]** The opening party shall file a reply solely rebutting the opposing party's response by _____. **[7 days from the filing of the response]** These submissions shall be submitted in accordance with the page limitations provided in the Court's Individual Rule III.B.1.
9. Motions for summary judgement, if any, shall be filed in accordance with the briefing schedule in No. 8.
10. The parties shall jointly file a claim construction chart as provided in Texas Rule 4-5(d) and its subparts by _____. **[4 days after the reply in No. 8]**
11. The parties shall appear for a claim construction hearing on _____ at _____ am/pm. **[10 days after No. 10]**
12. The party claiming infringement may file amended infringement contentions within **30 days** of the Court's claim construction ruling. The party opposing a claim of patent infringement may file amended invalidity contentions within **50 days** of the Court's claim construction ruling. Any amendments shall be filed in accordance with Texas Rule 3-6.
13. Pursuant to SDNY Rule 10, each party that will rely on an opinion of counsel as part of a defense to a claim of willful infringement or inducement of infringement, or that a case is exceptional, must produce or make available for inspection and copying the opinion(s) and any other documents relating to the opinion(s) as to which attorney-client or work product protection has been waived as a result of such production by _____. **[30 days after the Court's claim construction ruling]**
14. The producing party shall serve a privilege log identifying any other documents, except those authored by counsel acting solely as trial counsel, relating to the subject matter of the opinion(s) which the party is withholding on the grounds of attorney-client privilege or work-product protection.

This Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend the dates herein shall be made in a written application in accordance with the Court's Individual Rules and shall be made no less than two business days prior to the expiration of the date sought to be extended.

SO ORDERED.

Dated: _____
New York, New York

Counsel for the Parties:
