

EXHIBIT B
PROPOSED SCHEDULE OF PRETRIAL AND TRIAL DATES IN UTILITY
PATENT CASES ASSIGNED TO THE HON. JOSEPHINE L. STATON

CASE NAME:

CASE NO:

Matter	Deadline	Plaintiff(s) Request	Defendant(s) Request
Disclosure of Asserted Claims and Infringement Contentions and Document Production Accompanying Disclosure (N.D. Patent L.R. 3-1(a)-(h) to 3-2(a)-(e)).	Scheduling Conference Date plus fourteen (14) days (N.D. Patent L.R. 3-1 and 3-2).		
Last Day to File Motions to Add Parties and Amend Pleadings	Scheduling Conference Date plus sixty (60) days.		
Disclosure of Invalidity Contentions and Production Accompanying Invalidity Contentions ¹ (N.D. Patent L.R. 3-3(a)-(d) to 3-4(a)-(b)).	Deadline for Infringement Contentions Disclosure plus forty-nine (49) days (adapted from N.D. Patent L.R. 3-3).		
Exchange of Proposed Terms for Construction (N.D. Patent L.R. 4-1(a)-(b)).	Deadline for Invalidity Contentions Disclosure plus fourteen (14) days ² (N.D. Patent L.R. 4-1).		
Exchange of Preliminary Claim Constructions and Extrinsic Evidence (N.D. Patent L.R. 4-2(a)-(c)).	Exchange of Proposed Terms for Construction plus fourteen (14) days (adapted from N.R. Patent L.R. 4-2).		
Joint Status Report Regarding Technology Tutorial	Sixty (60) days in advance of the Claim Construction Hearing (Order Setting Scheduling Conference).		

¹ In a declaratory judgment action in which a party files a pleading seeking declaratory judgment that a patent is invalid, and where the parties anticipate that no claim or counterclaim of infringement will be asserted (in this or any other proceeding), the parties shall alter their proposed dates in accordance with N.D. Patent L.R. 3-5.

² Similarly, in any action in which patent validity is not expected to be at issue, the parties shall alter their proposed dates in accordance with N.D. Patent L.R. 4-1(a).

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Completion of Claim Construction Discovery ³ (N.D. Patent L.R. 4-4.)	Exchange of Preliminary Claim Constructions and Extrinsic Evidence plus twenty-eight (28) days. ⁴		
Joint Claim Construction and Prehearing Statement (N.D. Patent L.R. 4-3(a)-(e)).	Completion of Claim Construction Discovery plus seven (7) days.		
Opening Claim Construction Briefs ⁵	Deadline for filing of Joint Claim Construction and Prehearing Statement plus seven (7) days.		
Responsive Claim Construction Briefs	Deadline for filing of Opening Claim Construction Briefs plus fourteen (14) days.		
Claim Construction Hearing	Twenty-five (25) days after the Responsive Brief Deadline (set for Tuesday at 9:00 a.m.).		
Claim Construction Ruling Date	Projected as 94 days (approximately three months) after the hearing. The actual date is likely to vary and may be earlier or later.		
Production Related to Reliance Upon Advice of Counsel (N.D. Patent L.R. 3-7(a)-(c).)	Fifty-three (53) days after the projected Claim Construction Ruling Date (adapted from N.D. Patent L.R. 3-7).		

³ As is implicit in the Northern District Rules, Claim Construction Discovery includes expert discovery addressing issues related to claim construction.

⁴ The Court's procedure deviates from the Northern District Rules by deferring the filing of the Prehearing Statement until after the Completion of Claim Construction Discovery. (Cf. N.D. Patent L.R. 4-3.)

⁵ The Northern District Rules contemplate the filing of an opening brief, a responsive brief, and a reply brief. The Court's procedure deviates from that practice and instead sets a schedule for the filing of simultaneous opening and responsive briefs.

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Fact Discovery Cut-Off	Approximately three (3) months after the deadline for the Production Related to Reliance on Advice of Counsel and 18 weeks before the Final Pretrial Conference (“FPTC”).		
Last Day to Serve Initial Expert Reports (unrelated to claim construction).	16 weeks before the FPTC.		
Last Day to File Motions (Except <i>Daubert</i> and all other Motions in Limine).	16 weeks before the FPTC.		
Last Day to Serve Rebuttal Expert Reports (unrelated to claim construction).	12 weeks before the FPTC.		
Last Day to Conduct Settlement Proceedings.	9 weeks before the FPTC.		
Expert Discovery Cut-Off.	8 weeks before the FPTC.		
Last Day to File <i>Daubert</i> Motions.	7 weeks before the FPTC.		
Last Day to File Motions in Limine (excluding <i>Daubert</i> Motions).	4 weeks before the FPTC.		
Final Pre-Trial Conference (Friday at 10:30 a.m.)			
Revised: October 1, 2018			