

DISTRICT JUDGE SERENA R. MURILLO
SCHEDULE OF PATENT PRETRIAL AND TRIAL DATES WORKSHEET – PATENT CASES¹

Please complete this worksheet jointly and file it with your Joint Rule 26(f) Report.
The parties must make every effort to agree on dates or the Court will set them.

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|--|-------------------|-----------------------------------|------------------------------------|
| Case No. | Case Name: | | |
| Patent Trial and Final Pretrial Conference Dates | | Pl(s)' Date mm/dd/yyyy | Def(s)' Date mm/dd/yyyy |
| Check one: <input type="checkbox"/> Jury Trial or <input type="checkbox"/> Bench Trial [Tuesday at 9:00 a.m. within 12-15 months of Scheduling Conference based on complexity] Estimated Duration: _____ Days | | | |
| Final Pretrial Conference (“FPTC”) [L.R. 16], Hearing on Motions <i>in Limine</i> [Wednesday at 2:00 p.m. at least 19 days before trial] | | | |
| <p style="text-align: center;">Event² <u>Note:</u> Hearings shall be on Wednesdays at 1:30 p.m.³ Other dates can be any day of the week. </p> | | Pl(s)' Date mm/dd/yyyy | Def(s)' Date mm/dd/yyyy |
| Last Date to Disclose Infringement Contentions and Make Document Production Accompanying Disclosure [P.R. 3-1, 3-2] | | | |
| Last Date to Disclose Invalidity Contentions and to Make Document Production Accompanying Disclosure [P.R. 3-3, 3-4] | | | |
| Last Date to Exchange Proposed Terms and Claim Elements for Construction [P.R. 4-1] | | | |
| Last Date to Exchange Preliminary Claim Constructions and Extrinsic Evidence [P.R. 4-2] | | | |
| Last Date to File Joint Claim Construction and Prehearing Statement [P.R. 4-3] | | | |
| Last Date to Complete Claim Construction Discovery [P.R. 4-4] | | | |
| Last Date to File Simultaneous Opening Claim Construction Briefs ⁴ | | | |
| Last Date to File Simultaneous Responsive Claim Construction Briefs | | | |
| Requested Date for Claim Construction Hearing [P.R. 4-6] | | | |
| Last Date for Advice of Counsel Defense [P.R. 3-7] | | | |
| Last Date to Serve Final Infringement Contentions Based on Markman Order | | | |
| Last Date to Serve Final Invalidity Contentions Based on Markman Order | | | |

¹ The following trial and pretrial dates worksheet adopts the Claim Construction Proceeding Guidelines as set by the Patent Local Rules of the Northern District of California. All references to the patent rules (“P.R.”) refer to the Northern District rules. All references to the local rules (“L.R.”) refer to the Local Rules of the Central District of California.

² The parties may seek dates for additional events by filing a separate stipulation and proposed order.

³ By default, all hearings shall proceed in-person, unless a request is made by the parties and granted by the Court. Requests to appear via Zoom must be filed by the Friday before the hearing and indicate that counsel has met and conferred per L.R. 7-3.

⁴ The Court will not construe more than ten disputed claim terms absent good cause and prior approval.

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| Last Day to Hear Motion to Amend Pleadings or Add Parties [Wednesday] (6 weeks after scheduling conference) | | |
| Non-Expert Discovery Cut-Off (24 weeks before FPTC, no later than deadline for filing dispositive motion) | | |
| Expert Disclosure (Initial) (23 weeks before FPTC) | | |
| Expert Disclosure (Rebuttal) (21 weeks before FPTC) | | |
| Expert Discovery Cut-Off (19 weeks before FPTC) ⁵ | | |
| Last Date to Hear Motions [Wednesday] (12 weeks before FPTC) <ul style="list-style-type: none"> • Motion for Summary Judgment due at least 6 weeks before hearing • All other motions due at least 4 weeks before hearing • Opposition due 1 week after motion is filed • Reply due 1 week after opposition is filed | | |
| Deadline to Complete Settlement Conference [L.R. 16-15] (10 weeks before FPTC) <u>Select one:</u> <input type="checkbox"/> 1. Magistrate Judge <input type="checkbox"/> 2. Court Mediation Panel <input type="checkbox"/> 3. Private Mediation | | |
| <u>Trial Filings</u> (first round) (4 weeks before FPTC) <ul style="list-style-type: none"> • Motions <i>in Limine</i> • Memoranda of Contentions of Fact and Law [L.R. 16-4] • Witness Lists [L.R. 16-5] • Joint Exhibit List [L.R. 16-6.1] • Joint Status Report Regarding Settlement • Proposed Findings of Fact and Conclusions of Law [L.R. 52] (bench trial only) • Declarations containing Direct Testimony, if ordered (bench trial only) | | |
| <u>Trial Filings</u> (second round) (2 weeks before FPTC) <ul style="list-style-type: none"> • Oppositions to Motions <i>in Limine</i> • Joint Proposed Final Pretrial Conference Order [L.R. 16-7] • Joint Agreed Upon Proposed Jury Instructions (jury trial only) • Disputed Proposed Jury Instructions (jury trial only) • Joint Proposed Verdict Forms (jury trial only) • Joint Proposed Statement of the Case (jury trial only) • Proposed Voir Dire Questions, if any (jury trial only) • Evidentiary Objections to Declarations of Direct Testimony (bench trial only) | | |

⁵ The parties may choose to cut off expert discovery prior to the deadline to file a motion for summary judgment.