

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
\_\_\_\_\_ DIVISION**

**Civil Case No. \_\_\_\_\_**

		)	
		)	
	<b>Plaintiff,</b>	)	
<b>Vs.</b>		)	<b>UTILITY PATENT</b>
		)	<b>CERTIFICATE OF</b>
		)	<b>INITIAL ATTORNEYS'</b>
		)	<b>CONFERENCE</b>
		)	
		)	
	<b>Defendants.</b>	)	
		)	

**Please fill in or check the appropriate blanks to certify completion of the Initial Attorneys' Conference and provide the required information to the Court. Where the parties are unable to agree on a specific provision or item, please so note and attach any necessary explanation. Please note that this information will be used as a guideline by the judge conducting the Initial Pretrial Conference or issuing the Claim Construction Scheduling Order or the Utility Patent Pretrial Order and Case Management Plan.**

1. **Certification of Conference.** Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on \_\_\_\_\_ (date) and was conducted by the undersigned counsel for the designated parties in the above captioned case.
  
2. **Pre-Discovery Disclosures.** The information required by Fed.R.Civ.P. 26(a)(1) (check one)  has been exchanged  will be

exchanged by \_\_\_\_\_(date).

3. **Claim Construction Scheduling Order Deadlines.** The parties jointly propose to the Court the deadlines listed below for inclusion in the Claim Construction Scheduling Order (hereinafter “SO”). These deadlines are based on the date the court issues the SO.

		<u>Standard</u> <sup>1</sup>
Serve Initial Infringement Contentions	_____	[SO + 30]
Serve Initial Invalidity Contentions	_____	[SO + 90]
Exchange of Terms for Construction	_____	[SO +111]
Exchange Preliminary Claim Construction	_____	[SO +132]
File Joint Claim Construction Statement	_____	[SO +162]
Close of Claim Construction Discovery	_____	[SO +192]
File Opening Claim Construction Brief	_____	[SO +206]
File Responsive Claim Construction Brief	_____	[SO +220]
File Reply Claim Construction Brief	_____	[SO +227]
File Surreply Claim Construction Brief	_____	[SO +234]
File Claim Construction Chart	_____	[SO +241]
Claim Construction Hearing	_____	[SO +248] <sup>2</sup>

4. **Discovery Plan.** All discovery shall commence upon entry of the SO and end at the time provided in the Pretrial Order and Case Management Plan, hereinafter the Pretrial Order or “PO.”

(a) Maximum of \_\_\_\_\_ [ordinarily 20] interrogatories by each party to any other party.

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<sup>1</sup> This column reflects the standard deadlines to be applied in this district, as determined by the Board of Judges, calculated in the number of calendar days from entry of the Claim Construction Scheduling Order. Should the parties propose to deviate from these standard deadlines, the parties should include sufficient reasons in the CIAC for doing so.

<sup>2</sup> Such deadline to be determined by the Court as the case progresses.

- (b) Maximum of \_\_\_\_\_ [ordinarily 20] requests for admission by each party to any other party.
- (c) Maximum of \_\_\_\_\_ depositions by plaintiff(s) and \_\_\_\_\_ by defendant(s) (ordinarily 6 each) [or \_\_\_\_\_ by each plaintiff and \_\_\_\_\_ by each defendant].

5. **Post-Claim Construction Order Deadlines.** The parties jointly propose to the Court the deadlines listed below for inclusion in the Utility Patent Pretrial Order and Case Management Plan (hereinafter the Pretrial Order or “PO.”) These deadlines are based on the date the Court enters the Claim Construction Order.

	<u>Standard</u>
Amended Infringement Contentions Served	_____ [PO + 30] <sup>3</sup>
Amended Invalidity Contentions Served	_____ [PO + 60]
Advice of Counsel Defense Served	_____ [PO + 120]
Fact Discovery Closes	_____ [PO + 180]
Opening Expert Reports Served	_____ [PO + 225]
Rebuttal Expert Reports Served	_____ [PO + 255]
Close of Expert Discovery	_____ [PO + 270]
Mediation Deadline	_____ [PO + 285]
Dispositive and <u>Daubert</u> Motions Deadline	_____ [PO + 320]
Ready Date for Trial	_____ [PO + 420]

6. **Other Items.**

- (a) \_\_\_\_\_ The parties have discussed the issue of consent to the jurisdiction of a U.S. magistrate judge.<sup>4</sup>

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<sup>3</sup> The Advisory Committee has assumed that the Claim Construction Order and Pretrial Order (“PO”) will be entered simultaneously.

<sup>4</sup>Consent requires the unanimous consent of all parties and completion of the following form: <http://www.ncwd.uscourts.gov/Documents/Forms/ECF.caseassignmentnotice.pdf>.

(b) The parties  **request**  **do not request** an Initial Pretrial Conference.

(c) Settlement is  **likely**  **unlikely**  **cannot be evaluated** prior to \_\_\_\_\_(date). Settlement may be enhanced by use of the following ADR procedure:

mediated settlement conference;

binding arbitration;

judicial settlement conference;

other \_\_\_\_\_.

The parties agree that the above selected ADR procedure would be most useful if conducted:

after issuance of the Claim Construction Order;

after the close of discovery;

after resolution of summary judgment motions, if any; or

not applicable.

(d) Final lists of witnesses and exhibits under Rule 26(a)(3) are due:

from plaintiff(s) by \_\_\_\_\_(date); and from defendant(s) by

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\_\_\_\_\_ (date).

(e) If the case is ultimately tried, trial is  **with**  **without a jury**, and is expected to take approximately \_\_\_\_\_ days.

7. The parties have considered and discussed the issues as provided in Local Patent Rule 2.1(A)(1)-(9) and other issues regarding discovery or case management, and have identified the following issues that may require the Court's attention:

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[Date]

[Signatures of respective counsel]