

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff(s), : \_\_\_\_ Civ. \_\_\_\_ (KBF)  
-v- : SCHEDULING ORDER  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Defendant(s). : FOR A PATENT CASE  
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KATHERINE B. FORREST, District Judge:

The parties propose the following schedule for this matter:

1. Any party claiming infringement shall complete disclosure of asserted claims, infringement contentions, and other items required by Rule 1(a) of this Court’s Procedures for Patent Cases (“Patent Rules”) not later than \_\_\_\_\_. **[14 days after appearance]**
2. Any party claiming infringement shall complete the document production and disclosure required by the Court’s Patent Rule 1(b) not later than \_\_\_\_\_. **[14 days after item 1]**
3. Any party opposing a claim of patent infringement shall complete its invalidity contentions and all other requirements of the Court’s Patent Rule 1(c) not later than \_\_\_\_\_.<sup>1</sup> **[14 days after item 2]**
4. The parties shall (a) complete the document production and all other requirements of the Court’s Patent Rule 1(d), and (b) exchange proposed claim terms for construction, preliminary constructions, and extrinsic evidence as required by the Court’s Patent Rule 2(a) not later than \_\_\_\_\_. **[14 days after item 3]**

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<sup>1</sup> If there is no claim of infringement, but a party seeks a declaration of invalidity, that party shall complete disclosure of the material in item 3 no later than 14 days after the defendant serves its answer, or 14 days after the Initial Pretrial Conference, whichever is later.

5. The parties shall submit their joint claim construction chart and prehearing statement as required by the Court's Patent Rule 2(b) not later than \_\_\_\_\_. **[20 days after item 4(b)]**

6. The parties shall submit their claim construction briefs and other requirements of the Court's Patent Rule 2(c) pursuant to the following schedule:

Opening: \_\_\_\_\_ **[20 days after item 5]**

Opp'n: \_\_\_\_\_ **[10 days after opening brief]**

Reply: \_\_\_\_\_ **[5 days after opposition brief]**

7. Close of all fact discovery: \_\_\_\_\_. **[within 6 months of commencement of action unless good reason]**

8. Close of expert discovery: \_\_\_\_\_. **[25 days after the close of fact discovery; may of course be ongoing throughout]**

9. The parties [**do** / **do not** ] anticipate making dispositive motions. The contemplated dispositive motion(s) is/are for:

\_\_\_\_\_.

Proposed briefing schedule:

Opening: \_\_\_\_\_ **[no later than item 8]**

Opp'n: \_\_\_\_\_

Reply: \_\_\_\_\_ **[37 days after opening brief]**

**Last dates to file. Motions may be brought at any time.**

10. Trial [**will** / **will not** ] be before a jury.

**DO NOT FILL IN BELOW. THE COURT WILL SET ITEMS 11-15.**

11. The next status conference in this matter is set for \_\_\_\_\_ at \_\_\_\_\_.

12. The parties shall appear for a Markman hearing on \_\_\_\_\_ at \_\_\_\_\_.

13. All pretrial materials, including the Joint Pretrial Order (“JPTO”) are due: \_\_\_\_\_.
14. The Final Pretrial Conference (“FPTC”) in this matter is set for \_\_\_\_\_ at \_\_\_\_\_.
15. Trial in this matter shall commence on \_\_\_\_\_. Trial is anticipated to take \_\_\_\_\_ [days / weeks].

**Settlement discussions must occur in parallel to this schedule (schedule will not be adjourned, except in very unusual situations, for settlement discussions).**

SO ORDERED.

Dated: New York, New York  
\_\_\_\_\_, 2014

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KATHERINE B. FORREST  
United States District Judge