

PATENT CASE ORDER FOR SCHEDULING

ORDER

At Wilmington this day of , 20 ;

IT IS ORDERED that:

1. An in-person scheduling conference shall be conducted by the court on **[date]** in courtroom 4B, fourth floor, United States Courthouse, 844 King Street, Wilmington, Delaware.

2. Prior to the scheduling conference, counsel shall confer pursuant to Fed. R. Civ. P. 26(f), and shall discuss verbally (in addition to the issues identified in Fed. R. Civ. P. 26(a)(1)(A)) the scope of discovery in terms of the following:¹

(a) The information plaintiff needs in order to identify accused products and prioritize the asserted patents, claims, and limitations.²

(b) The information defendant needs in order to identify potential defenses and prioritize the prior art references and claim limitations.³

3. Absent agreement of the parties, the court's Default Standard for Discovery, including Discovery of Electronically Stored Information ("ESI") shall govern the discovery of paper and electronic documents. Similarly, absent agreement of the parties, the court's Default Standard for Access to Source Code shall govern.

¹The court recognizes that the scope of discovery in ANDA cases is largely determined by the contents of the Paragraph IV letter.

²For instance, core technical information and sales figures for the accused product(s).

³For instance, the accused functionality/product(s) and related damages model.

4. At least 24 hours prior to the scheduling conference, counsel shall submit a proposed case management order to the court, which order shall conform to that form of order found on the court's website at www.ded.uscourts.gov.

5. The parties shall be represented at the scheduling conference by counsel who shall have full authority to bind their clients in all pretrial matters.

6. If any party hereafter enters an appearance, counsel for plaintiff shall notify said party of the above conference and forward to that party a copy of this order.

7. The parties shall advise the court immediately if this matter has been settled or terminated so that the above conference may be canceled.

8. Counsel are further advised that communications to the court by FAX will not be accepted.

United States District Judge