

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

Plaintiff,

v.

Case No. 2: -cv- -FtM-

Defendant.

_____ /

CASE MANAGEMENT REPORT—PATENT CASES¹

The parties agree to these dates and discovery plan under Federal Rule of Civil Procedure 26 and Local Rule 3.05:

DEADLINE	AGREED DATE
Corporate Disclosure Statements [Due immediately upon each party's first appearance]	Plaintiff filed on Select Date Defendant filed on Select Date
Rule 26(a)(1) Initial Disclosures [Due 14 days after Rule 26(f) conference]	<input type="checkbox"/> Exchanged <input type="checkbox"/> To be exchanged by Select Date
Motions to Add Parties or Amend Pleadings [Court recommends 1 to 2 months after the Rule 26(f) conference]	Select Date
Disclosure of Infringement Contentions ² [Court recommends 1 month after Rule 26(f) conference]	Select Date

¹ The Court is not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

² For detailed information on the requirements for patent-specific deadlines, the parties should consult the form Patent Case Management and Scheduling Order on the assigned district judge's website.

DEADLINE	AGREED DATE
<p>Disclosure of Non-Infringement and Invalidity Contentions</p> <p>[Court recommends within 1 month of disclosing infringement contentions]</p>	Select Date
<p>Initial Identification of Disputed Claim Terms</p> <p>[Court recommends within 1 month of disclosing non-infringement and invalidity contentions]</p>	Select Date
<p>Proposed Claim Term Constructions</p> <p>[Court recommends within 1 month of initial identification of disputed claim terms]</p>	Select Date
<p>Joint Claim Construction Statement</p> <p>[Court recommends within 2 weeks of proposed claim term constructions]</p>	Select Date
<p>Technology Tutorial Conference</p> <p>[Court recommends within 2 weeks of the joint claim construction statement]</p>	Select Date
<p>Claim Construction Briefs</p> <p>[Court recommends within 1 month of any technology tutorial conference]</p>	Select Date
<p>Response Briefs</p> <p>[Court recommends within 1 month of Plaintiff's claim construction brief]</p>	Select Date
<p>Joint Pre-Hearing Statement</p> <p>[Court recommends within 1 week of Defendant's response brief]</p>	Select Date
<p>Claim Construction Hearing</p> <p>[Court recommends within 2 weeks of Joint Pre-Hearing Statement]</p>	Select Date

DEADLINE	AGREED DATE
<p>Disclosure of Intent to Rely on Advice of Counsel as Defense; Amendment of Infringement, Non-Infringement and Invalidity Contentions; and Disclosure of Expert Reports on Issues Where the Party Bears the Burden of Proof</p> <p>[Court recommends between 3 and 5 months of the claim construction hearing]</p>	<p>Select Date</p>
<p>Disclosure of Expert Reports</p> <p>[Court recommends the last disclosure to occur 1 to 2 months before the discovery deadline]</p>	<p>Plaintiff: Select Date</p> <p>Defendant (includes rebuttal): Select Date</p> <p>Plaintiff Rebuttal: Select Date</p>
<p>Discovery</p> <p>[Court recommends 6 to 8 months before the trial term so it can decide dispositive motions]</p>	<p>Select Date</p>
<p>Dispositive and <i>Daubert</i> Motions</p> <p>[Court recommends at least 4 months before the meeting to prepare the joint final pretrial statement]</p>	<p>Select Date</p>
<p>Meeting in Person to Prepare Joint Final Pretrial Statement</p> <p>[Court recommends 1 month before the Final Pretrial Conference]</p>	<p>Select Date</p>
<p>Motions in Limine</p> <p>[Court recommends 3 days before the deadline for Joint Final Pretrial Statement and Trial Briefs]</p>	<p>Select Date</p>
<p>Joint Final Pretrial Statement and Trial Briefs</p> <p>[Court recommends 3 weeks before the Final Pretrial Conference]</p>	<p>Select Date</p>

DEADLINE	AGREED DATE
Final Pretrial Conference	Select Date
Monthly Trial Term [Cases are scheduled for a monthly trial term—not a specific date. The Court recommends 20 to 22 months after the case is filed or removed]	Month Year
Estimated Length of Trial	Select days
Jury or Non-Jury	Select
Mediation [Court recommends mediation after the discovery deadline but before dispositive motions]	Deadline: Select Date Mediator:
Settlement	<input type="checkbox"/> Likely <input type="checkbox"/> Unlikely
Has any party sought inter partes review before the Patent and Trial Appeal Board of the United States Patent and Trademark Office?	<input type="checkbox"/> Yes by _____ <input type="checkbox"/> No <input type="checkbox"/> Likely to Request in Future
All Parties Consent to the Assigned Magistrate Judge³	<input type="checkbox"/> For all purposes including trial <input type="checkbox"/> For some purposes like class certification, summary judgment, or motions for a final order or judgment (please list) <input type="checkbox"/> For no other purpose beyond authority granted by statute, rule, and referral
All Parties Request a Settlement Conference with a Magistrate Judge	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Likely to Request in Future

³ If the parties wish to voluntarily consent to the assigned Magistrate Judge, they must sign and file either the [AO Form 85](#) (consent for all purposes including trial) or [AO Form 85A](#) (consent for some purpose like a specific motion) found on the Court’s website.

also follow the [Discovery Handbook](#) for the Middle District of Florida available on the Court's website.

C. Mediation

Without mandatory arbitration or a Court order otherwise, the parties in every case **must** participate in mediation. The parties must select a mediator from the Court's [approved list of mediators](#) found on its website.

Date: _____

Signature of Counsel (per Local Rule 1.05) and Unrepresented Parties:

_____	_____
_____	_____
_____	_____