UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

[CASE HEADING]

**CASE MANAGEMENT REPORT—PATENT CASES**[[1]](#footnote-1)

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

| **DEADLINE** | **AGREED DATE** |
| --- | --- |
| Disclosure Statements Complete[Due upon a party’s first appearance] | Plaintiff filed on Select DateDefendant filed on Select Date |
| Deadline for providing mandatory initial disclosures. *See* [Fed. R. Civ. P. 26(a)(1)](https://www.uscourts.gov/sites/default/files/federal_rules_of_civil_procedure_dec_1_2019_0.pdf). [14 days after the parties’ Rule 26(f) conference or for parties joined or served later, 30 days after being served or joined]  | [ ]  Exchanged[ ]  To be exchanged by Select Date |
| Deadline for moving to join a party, *see* [Fed. R. Civ. P. 14, 19, and 20](https://www.uscourts.gov/sites/default/files/federal_rules_of_civil_procedure_dec_1_2019_0.pdf), or amend the pleadings, *see* [Fed. R. Civ. P. 15(a)](https://www.uscourts.gov/sites/default/files/federal_rules_of_civil_procedure_dec_1_2019_0.pdf). [1 to 2 months after the Rule 26(f) conference] | Select Date |
| **Disclosure of Infringement Contentions**[[2]](#footnote-2) [1 month after Rule 26(f) conference] | Select Date |
| **Disclosure of Non-Infringement and Invalidity Contentions** [Within 1 month of disclosing infringement contentions] | Select Date |
| **Initial Identification of Disputed Claim Terms**[Within 1 month of disclosing non-infringement and invalidity contentions] | Select Date |
| **Proposed Claim Term Constructions** [Within 1 month of initial identification of disputed claim terms] | Select Date |
| **Joint Claim Construction Statement**[Within 2 weeks of proposed claim term constructions] | Select Date |
| **Technology Tutorial Conference**[Within 2 weeks of the joint claim construction statement] | Select Date |
| **Claim Construction Briefs**[Within 1 month of any technology tutorial conference] | Select Date |
| **Response Briefs**[Within 1 month of claim construction briefs] | Select Date |
| **Joint Pre-Hearing Statement** [Within 1 week of response briefs] | Select Date |
| **Claim Construction Hearing** [Within 2 weeks of Joint Pre-Hearing Statement] | Select Date |
| **Amendment of Infringement Contentions**[3 to 5 months after the claim construction hearing] | Select Date |
| **Amendment of Non-Infringement and Invalidity Contentions; Disclosure of Intent to Rely on Advice of Counsel as Defense**[1 month after the amendment of infringement contentions] | Select Date |
| Deadline for disclosing any expert reports. *See* [Fed. R. Civ. P. 16(a)(2)](https://www.uscourts.gov/sites/default/files/federal_rules_of_civil_procedure_dec_1_2019_0.pdf);[complete 1 to 2 months before the discovery deadline] | Plaintiff: Select DateDefendant: Select DatePlaintiff Rebuttal: Select Date |
| Deadline for completing discovery and filing any motion to compel discovery. *See* [Fed. R. Civ. P. 37](https://www.uscourts.gov/sites/default/files/federal_rules_of_civil_procedure_dec_1_2019_0.pdf); [*Middle District Discovery* (2021)](https://www.flmd.uscourts.gov/civil-discovery-handbook/chapter01/c-filing-of-discovery-materials-and-other-discovery-considerations)*.* [1 month after rebuttal expert reports and 5 months before meeting to prepare joint final pretrial statement] | Select Date |
| Deadline for filing any dispositive and *Daubert* motion. *See* [Fed. R. Civ. P. 56](https://www.uscourts.gov/sites/default/files/federal_rules_of_civil_procedure_dec_1_2019_0.pdf).[[3]](#footnote-3)[Court REQUIRES at least 4 months before the meeting to prepare the joint final pretrial statement] | Select Date |
| Deadline for participating in mediation. *See* Local Rules, ch. 4. | Select Date |
| Date of the final pretrial meeting. *See* Local Rule 3.06(a).[1 month before the Final Pretrial Conference] | Select Date |
| Deadline for filing the joint final pretrial statement, proposed jury instructions, and verdict form. *See* Local Rule 3.06(b).[3 weeks before the Final Pretrial Conference]  | Select Date |
| Deadline for filing any motion in limine.[16 days before the Final Pretrial Conference] | Select Date |
| Date of the final pretrial conference. *See* [Fed. R. Civ. P. 16(e)](https://www.uscourts.gov/sites/default/files/federal_rules_of_civil_procedure_dec_1_2019_0.pdf); Local Rule 3.06(b).[The date that corresponds with the trial term as set forth on the district judge’s [webpage](https://www.flmd.uscourts.gov/judges/all/fort-myers) or, for a trial date certain, one week prior to trial] | Select Date |
| Month of the trial term or, if all parties consent to a magistrate judge, the month and day of the first day of trial.[20 to 22 months after the case is filed or removed]  | Month Year  |
| The trial will last approximately enter number days and be[ ]  by a jury.[ ]  by the judge. |
| All Parties Consent to the Assigned Magistrate Judge | [ ]  For all purposes, including trial, the entry of the final judgment, and all post-trial proceedings[ ]  For some purposes like class certification, summary judgment, *Daubert*, or jury selection (please specify):Click or tap here to enter text.[ ]  For no other purpose beyond authority granted by statute, rule, and referral |
| All Parties Request a Settlement Conference with a Magistrate Judge | [ ]  Yes[ ]  No[ ]  Likely to Request in Future |
| **Has any party sought inter partes review before the Patent and Trial Appeal Board of the United States Patent and Trademark Office?** | [ ]  Yes by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[ ]  No[ ]  Likely to Request in Future |
| Notice of a Related Action Complete and filed as a separate docket entry[[4]](#footnote-4) | [ ]  Yes[ ]  No related actions |

1. **Rule 16(b) Conferences**

The assigned Magistrate Judge will hold a Rule 16(b) Conference in most cases after the parties file this Case Management Report. The parties should expect to discuss these topics at the conference: the facts, unique issues anticipated by counsel, the Court’s case management practices and procedures, deadlines to govern the case, prospects of settlement, pending motions, scope of discovery, need for expert witnesses, length of trial, and calendar conflicts. Unresolved issues to discuss at the conference include:

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After the Rule 16(b) Conference, the assigned Magistrate Judge will issue a Case Management and Scheduling Order to govern the case.

1. **Disclosure Statement**

[ ]  The parties have filed their disclosure statement as required by Federal Rule of Civil Procedure 7.1 and Local Rule 3.03.

1. **Related Action**

[ ]  The parties acknowledge their continuing duty under Local Rule 1.07(c) to notify the judge of a related action pending in the Middle District or elsewhere by filing a “Notice of a Related Action.” No notice need be filed if there are no related actions as defined by the rule.

1. **Discovery Practice**

The parties must also follow the [Discovery Handbook](https://www.flmd.uscourts.gov/civil-discovery-handbook) for the Middle District of Florida available on the Court’s website.

1. **Mediation**

The parties in every case **must** participate in mediation. Local Rule, Chapter 4.

**Date:** Enter Date

Signature of Counsel and Unrepresented Parties:

1. The Court is not responsible for a hyperlink’s availability and functionality, and a failed hyperlink does not affect this Order. [↑](#footnote-ref-1)
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. [↑](#footnote-ref-2)
3. *Daubert* motions must not be titled or filed as motions to strike. When filing via CM/ECF, use the “In Limine” event under Civil Events-Motions. [↑](#footnote-ref-3)
4. A Notice of a Related Action form is available on the assigned judge’s [webpage](https://www.flmd.uscourts.gov/judges/all/fort-myers). [↑](#footnote-ref-4)