

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

Choose division

Enter name(s),

Plaintiffs,

v.

Case No: Enter case number

Enter name(s),

Defendants.

CASE MANAGEMENT REPORT

The parties have agreed on the following dates and discovery plan pursuant to Rule 26(f), Federal Rules of Civil Procedure, and Local Rule 3.02(a):

ACTION OR EVENT	AGREED DATE
Mandatory Initial Disclosures (pursuant to Fed. R. Civ. P. 26(a)(1)) [Court recommends 30 days after CMR meeting]	Click or tap to enter a date.
Certificate of Interested Persons and Corporate Disclosure Statement [Each party who has not previously filed must file immediately]	Click or tap to enter a date.
Motions to Add Parties or Amend Pleadings [Court recommends 1 - 2 months after CMR meeting]	Click or tap to enter a date.
Parties to serve Preliminary Infringement Contentions [Court recommends 1 month from above]	Click or tap to enter a date.
Parties to serve Preliminary Invalidity Contentions [Court recommends 1 month from above]	Click or tap to enter a date.

ACTION OR EVENT	AGREED DATE
Initial Identification of Disputed Claim Terms [Court recommends 1 month from above]	Click or tap to enter a date.
Parties to Exchange a List of Proposed Terms for Construction and Proposed Constructions [Court recommends 1 month from above]	Click or tap to enter a date.
Parties to File Joint Claims Construction Chart with list of constructions of disputed terms, chart of intrinsic evidence, and identification of any evidence including expert or other witnesses [Court recommends 1 month from above]	Click or tap to enter a date.
Parties to File Claim Construction Briefs [Court recommends 1 month from above]	Click or tap to enter a date.
Parties to File Responses to Claim Construction Briefs [Court recommends 1 month from above]	Click or tap to enter a date.
Claim Construction (<i>Markman</i>) Hearing [Court recommends 1 month from above]	If needed, it will be set by separate notice
Parties to File Final Infringement Contentions [Court recommends 1 months from above]	Click or tap to enter a date.
Parties to file Final Invalidity Contentions [Court recommends 14 days from above]	Click or tap to enter a date.
Fact Discovery Deadline [Court recommends 14 days from above]	Click or tap to enter a date.
Plaintiff's Infringement and Damages Reports and Defendant's Invalidity Report and/or Inequitable Conduct Report [Court recommends 1 month from above]	Click or tap to enter a date.
Plaintiff and Defendant's Responsive Reports [Court recommends 1 months from above]	Click or tap to enter a date.

ACTION OR EVENT	AGREED DATE
Expert Discovery Deadline [Court recommends 6 months before trial to allow time for dispositive motions to be filed and decided; all discovery must be commenced in time to be completed before this date]	Click or tap to enter a date.
Dispositive Motions and Daubert Motions [At least 5 months before trial term begins]	Click or tap to enter a date.
Meeting <i>In Person</i> to Prepare Joint Final Pretrial Statement [14 days before Joint Final Pretrial Statement]	Click or tap to enter a date.
Joint Final Pretrial Statement (Including a Single Set of Jointly-Proposed Jury Instructions and Verdict Form, Voir Dire Questions, Witness Lists, Exhibit Lists with Objections on Approved Form) [Court recommends 6 weeks before trial]	Click or tap to enter a date.
All Other Motions Including Motions <i>In Limine</i> [Court recommends 1 week before Final Pre-trial Conference]	Click or tap to enter a date.
Final Pretrial Conference	If needed, it will be set, by separate notice, on a date that is approximately 4 weeks before trial
Trial Briefs and Deposition Transcripts with Designations Highlighted [Court recommends 2 weeks before Trial]	Click or tap to enter a date.
Trial Term Begins	Click or tap to enter a date.
Estimated Length of Trial [trial days]	Click or tap to enter a date.
Jury/Non-Jury	Jury or Non-Jury

ACTION OR EVENT	AGREED DATE
Mediation Deadline ¹ : Enter mediator's name, address, and phone number. [Absent arbitration, mediation is <i>mandatory</i> ; Court recommends either 2–3 months after CMR meeting, or just after discovery deadline]	Click or tap to enter a date.
All Parties Consent to Proceed Before Magistrate Judge	Yes <input type="checkbox"/> No <input type="checkbox"/> Likely to Agree in Future <u>Yes or no</u>

I. Meeting of Parties in Person or by Video Conference

Lead counsel must meet *in person* or by video conferencing and not by telephone absent an order permitting otherwise. A meeting was held in person or by video conference on enter date at enter location. Enter names attended the conference.

II. Description of the Case

In a few sentences, describe the specific nature and relative complexity of the case.

III. Pre-Discovery Initial Disclosures of Core Information

Rule 26, as amended effective December 1, 2000, provides that these disclosures are mandatory in all cases, except those that are exempted pursuant to Rule 26(a)(1)(B) or as stipulated by the parties or otherwise ordered by the Court.

- The parties exchanged information described in Rule 26(a)(1)(A) – (D) on enter date.

¹ A list of Court approved mediators is available from the Clerk and is posted on the website for the Middle District at <http://www.flmd.uscourts.gov>

- The parties agreed to exchange information described in Rule 26(a)(1)(A) – (D) in the future by enter date.

IV. Electronic Discovery

The parties have discussed issues relating to disclosure or discovery of electronically stored information (“ESI”), including Pre-Discovery Initial Disclosures of Core Information in Section II above, and agree that:

- No party anticipates the disclosure or discovery of ESI in this case;
- One or more of the parties anticipate the disclosure or discovery of ESI in this case.

If disclosure or discovery of ESI is sought by any party from another party, then the following issues shall be discussed:²

- A. The form or forms in which ESI should be produced.
- B. Nature and extent of the contemplated ESI disclosure and discovery, including specification of the topics for such discovery and the time period for which discovery will be sought.
- C. Whether the production of metadata is sought for any type of ESI, and if so, what types of metadata.
- D. The various sources of ESI within a party’s control that should be searched for ESI, and whether either party has relevant ESI that it contends is not reasonably accessible under Rule 26(b)(2)(B), and if so, the estimated burden or costs of retrieving and reviewing that information.
- E. The characteristics of the party’s information systems that may contain relevant ESI, including, where appropriate, the identity of individuals with special knowledge of a party’s computer systems.
- F. Any issues relating to preservation of discoverable ESI.
- G. Assertions of privilege or of protection as trial-preparation materials, including whether the parties can facilitate discovery by agreeing on procedures and, if appropriate, an Order under the Federal Rules of Evidence Rule 502. If the parties agree that a protective order is needed, they shall attach a copy of the proposed order to the Case Management Report. The parties should attempt to agree on protocols that minimize the risk of waiver. Any protective order shall comply with Local Rule 1.11 and Section IV. F. below on Confidentiality Agreements.

² See Generally: *Rules Advisory Committee Notes* to the 2006 Amendments to Rule 26 (f) and Rule 16.

H. Whether the discovery of ESI should be conducted in phases, limited, or focused upon particular issues.

Please state if there are any areas of disagreement on these issues and, if so, summarize the parties' position on each: *Enter parties' positions*

If there are disputed issues specified above, indicate whether the parties request a preliminary pretrial conference:

- One or more of the parties requests that a preliminary pre-trial conference under Rule 16 be scheduled to discuss these issues and explore possible resolutions. Although this will be a non-evidentiary hearing, if technical ESI issues are to be addressed, the parties are encouraged to have their information technology experts with them at the hearing. **If a preliminary pre-trial conference is requested, a motion shall also be filed pursuant to Rule 16(a), Fed. R. Civ. P.**
- All parties agree that a hearing is not needed at this time because they expect to be able to promptly resolve these disputes without assistance of the Court.

V. **Agreed Discovery Plan**

A. **Certificate of Interested Persons and Corporate Disclosure Statement —**

This Court has previously ordered each party, governmental party, intervenor, non-party movant, and Rule 69 garnishee to file and serve a Certificate of Interested Persons and Corporate Disclosure Statement using a mandatory form. No party may seek discovery from any source before filing and serving a Certificate of Interested Persons and Corporate Disclosure Statement. Any motion, memorandum, response, or other paper—including an emergency motion—is subject to being denied or stricken unless the filing party has previously filed and served its Certificate of Interested Persons and Corporate Disclosure Statement. Any party who has not already filed and served the required certificate is required to do so immediately.

Every party that has appeared in this action to date has filed and served a Certificate of Interested Persons and Corporate Disclosure Statement, which remains current:

- Yes.
- No.

If applicable, an Amended Certificate will be filed by enter name of party on or before by enter date.

B. Discovery Not Filed

The parties shall not file discovery materials with the Clerk.

C. Limits on Discovery

Absent leave of Court, the parties may take no more than ten depositions per side (not per party). Fed. R. Civ. P. 30(a)(2)(A); Fed. R. Civ. P. 31(a)(2)(A). Absent leave of Court, the parties may serve no more than twenty-five interrogatories, including sub-parts. Fed. R. Civ. P. 33(a). Absent leave of Court or stipulation of the parties each deposition is limited to one day of seven hours. Fed. R. Civ. P. 30(d)(2). The parties may agree by stipulation on other limits on discovery. The Court will consider the parties' agreed dates, deadlines, and other limits in entering the scheduling order. Fed. R. Civ. P. 29. In addition to the deadlines in the above table, the parties have agreed to further limit discovery as follows:

1. Depositions

Click or tap here to enter text.

2. Interrogatories

Click or tap here to enter text.

3. Document Requests

Click or tap here to enter text.

4. Requests to Admit

Click or tap here to enter text.

5. Supplementation of Discovery

Click or tap here to enter text.

D. Discovery Deadline

Each party shall timely serve discovery requests so that the rules allow for a response prior to the discovery deadline. The Court may deny as untimely all motions to compel filed after the discovery deadline. In addition, the parties agree [click or tap here to enter text](#).

E. Disclosure of Expert Testimony

On or before the dates set forth in the above table for the disclosure of expert reports, the parties agree to fully comply with Rule 26(a)(2) and 26(e). Expert testimony on direct examination at trial will be limited to the opinions, basis, reasons, data, and other information disclosed in the written expert report disclosed pursuant to this order. Failure to disclose such information may result in the exclusion of all or part of the testimony of the expert witness. The parties agree on the following additional matters pertaining to the disclosure of expert testimony: [Click or tap here to enter text](#).

F. Confidentiality Agreements

Whether documents filed in a case may be filed under seal is a separate issue from whether the parties may agree that produced documents are confidential. The Court is a

public forum, and disfavors motions to file under seal. The Court will permit the parties to file documents under seal only upon a finding of extraordinary circumstances and particularized need. *See Brown v. Advantage Engineering, Inc.*, 960 F.2d 1013 (11th Cir. 1992); *Wilson v. American Motors Corp.*, 759 F.2d 1568 (11th Cir. 1985). A party seeking to file a document under seal must file a motion to file under seal requesting such Court action, together with a memorandum of law in support. The motion, whether granted or denied, will remain in the public record.

The parties may reach their own agreement regarding the designation of materials as “confidential.” There is no need for the Court to endorse the confidentiality agreement. The Court discourages unnecessary stipulated motions for a protective order. The Court will enforce appropriate stipulated and signed confidentiality agreements. *See* Local Rule 3.05. Each confidentiality agreement or order shall provide, or shall be deemed to provide, that “no party shall file a document under seal without first having obtained an order granting leave to file under seal on a showing of particularized need.” With respect to confidentiality agreements, the parties agree as follows: [Click or tap here to enter text.](#)

VI. Settlement and Alternative Dispute Resolution.

A. Settlement

The parties agree that settlement is likely.

Yes.

No.

The parties request a settlement conference before a United States Magistrate Judge.

Yes.

No.

Are the parties likely to request a settlement conference before a United States Magistrate Judge in the future?

Yes.

No.

B. Arbitration

The Local Rules no longer designate cases for automatic arbitration, but the parties may elect arbitration in any case.

Do the parties agree to arbitrate?

Yes. If yes, select binding or non-binding.

No.

Are the parties likely to agree in future?

Yes.

No.

C. Mediation

Absent arbitration or a Court order to the contrary, the parties in every case will participate in Court-annexed mediation as detailed in Chapter Four of the Court's Local Rules. The parties have agreed on a mediator from the Court's approved list of mediators as set forth in the table above and have agreed to the date stated in the table above as the last date for mediation.

D. Other Alternative Dispute Resolution

The parties intend to pursue the following other methods of alternative dispute resolution: [Click or tap here to enter text.](#)

VI. Signatures

Provide signatures of counsel (with information required by Rule 11(a)) and any unrepresented party.

Add name of party or counsel
If counsel, add name of client
Add date of signature

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If counsel, add name of client
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