

Judge Avern Cohn: Non-Jury Trial Requirements for a Patent Case

Each party shall provide the Court with a witness list in tabular form with the name of each witness, a brief description of the position and nature of the witness' testimony, and estimated time in direct examination. After the parties have exchanged witness lists, each party shall advise the Court the estimated time on cross-examination of each of the witnesses. The list shall include witnesses' testimony to be offered by deposition.

Plaintiff shall estimate the trial hours needed to present its case completely, including direct and cross-examination. Defendant shall do likewise. The Court, at the beginning of the trial will allot each side ___ hours. These hours include direct and cross-examination and opening statements.

Each party shall provide the Court with an exhibit list. Listed exhibits are deemed admitted unless expressly objected to in advance of trial.

Testimony offered on direct shall be in narrative form and exchanged in advance of trial.

The Court will be generous in allowing, to the extent necessary, leading questions and narrative answers from friendly witnesses in direct testimony for background and uncontroversial facts to the extent it is not reflected in the narrative statement.

The parties shall provide the Court with a glossary of terms in advance of trial.

Each side shall provide the Court with 2 complete sets of exhibits in three-ring notebooks, conforming to the exhibit list. (1 set for Judge, 1 set for court reporter)

As each witness testifies, the Court shall be provided with a folder containing the exhibits that witness is going to testify with regard to.

Color brochures shall be reproduced in full color.

Cited cases shall be provided full text, with relevant parts highlighted, and with a notation on the caption page describing the principle of the case.

Each party shall provide the Court with a mock verdict form as if the case was going to a jury, plus the special questions that a jury would be required to answer.

Unless an exhibit is mentioned in the testimony, it is not part of the record.