**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF MICHIGAN**

**SOUTHERN DIVISION**

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| [PARTY NAME],Plaintiff,vs.[PARTY NAME],Defendant. | Case No.: [CASE NUMBER]Honorable [NAME]Magistrate Judge [NAME] |

**NOTICE AND ORDER SETTING SCHEDULING CONFERENCE IN PATENT INFRINGEMENT CASE**

Counsel are hereby notified to appear on [DATE] at [TIME] in the Chambers of Judge [NAME], Room [NUMBER], Theodore Levin U.S. Courthouse, 231 West Lafayette, Detroit, Michigan for a Scheduling Conference in the above-referenced action.

The Court further ORDERS as follows:

* MODEL RULE 26(f) REPORT AND SCHEDULING ORDER: In order to efficiently manage patent infringement cases, this Court has adopted a Model Rule 26(f) Report and Proposed Scheduling Order, a copy of which is attached to this Notice and Order. The Court intends that the Model Scheduling Order guide the parties in the types of provisions and the timeline that the parties should propose to the Court as their discovery plan pursuant to Rule 26(f) of the Federal Rules of Civil Procedure. The Model Scheduling Order schedules the typical patent infringement case for trial approximately 20.5 months after the Scheduling Conference. The parties may propose modifications and additional provisions to the Model Scheduling Order and/or may propose an alternative timeline, as needed based upon the facts and circumstances of the particular case.
* USE OF A SPECIAL MASTER: At the Scheduling Conference, the parties should be prepared to discuss the potential use of a special master (also known as a technical advisor) in this case. The Court typically finds that a special master serving as a confidential advisor, similar to a judicial law clerk, with expertise in intellectual property law and an engineering background, provides significant assistance to the Court in understanding the legal and technical issues raised in a patent case. The special master would also assist in helping facilitate settlement discussions.
* SETTLEMENT: At the Scheduling Conference, the parties should be prepared to discuss the likelihood of settlement. Before attending the Scheduling Conference, the attorneys should discuss settlement options and mediation/facilitation with their clients. Clients are not required to attend the Scheduling Conference.
* INFORMAL TECHNOLOGY TUTORIAL: After claim construction briefs are submitted, the Court typically schedules an informal tutorial on the technology involved in the case. The purpose of the informal tutorial is to give the Court an understanding and background of the technology at issue in the case. The tutorial is not on the record.
* LENGTH OF CLAIM CONSTRUCTION BRIEFS: Each party’s opening claim construction brief shall not exceed 25 pages (i.e., plaintiff’s opening claim construction brief and defendant’s responsive claim construction brief), unless a page extension is granted by the Court. The plaintiff’s reply brief shall not exceed 7 pages. If the parties believe that they need an extension of the page limitations, they must file a written motion setting forth the reasons for the extension.
* CLAIM CONSTRUCTION HEARING: The Court typically does not hear live testimony at the claim construction hearing. However, on a case-by-case basis, the Court may allow live expert testimony from a person of ordinary skill in the art. If the Court allows expert testimony, each side is typically limited to one hour of live testimony. A request for live testimony must be made by written motion.
* DEFAULT PROTECTIVE ORDER: The Court recognizes that during discovery the parties will likely need to disclose confidential and/or proprietary business information (e.g., trade secrets, financial information, etc.) that is not publicly available. The Court does not wish for discovery or disclosures to be delayed for lack of a protective order. In order to protect the parties’ confidential and proprietary information, the parties shall promptly negotiate and submit a proposed stipulated protective order for the Court to sign and enter. As provided in the Model Scheduling Order, if the Court has not entered a protective order, any discovery or disclosure that is deemed confidential by a party shall be preliminarily produced to the opposing party for outside counsel’s Attorney’s Eyes Only, subject to re-designation, if appropriate, once the Court enters a protective order.

**SO ORDERED**

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| Dated: |  |  |  |
|  |  |  | The Honorable [NAME]United States District Judge |