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8 **United States District Court**  
9 **Central District of California**  
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11 **[PLAINTIFF],**

12 Plaintiff,

13 v.

14 **[DEFENDANT],**

15 Defendant.  
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Case № **2:XX-cv-0XXXX-ODW(XXx)**

**PATENT STANDING ORDER**

17 **UNLESS OTHERWISE ORDERED BY THE COURT, THE FOLLOWING**  
18 **RULES APPLY TO ALL PATENT CASES ASSIGNED TO JUDGE OTIS D.**  
19 **WRIGHT, II. WHERE THESE RULES CONFLICT WITH RULES**  
20 **PROMULGATED ELSEWHERE, THIS DOCUMENT CONTROLS.**

21 **1. Patent Local Rules**

22 The Court adopts the Patent Local Rules of the United States District Court for  
23 the Northern District of California (the “Patent Local Rules”). Parties are expected to  
24 familiarize themselves with and closely adhere to these rules. A copy of the rules may  
25 be found at <http://www.cand.uscourts.gov/localrules>.  
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## **2. Patent Case Timeline**

The timeline set forth in the Patent Local Rules represents the maximum lifecycle duration, not the typical. In most cases, the Court will issue a scheduling order that is less than the maximum lifecycle prescribed by the Patent Local Rules.

## **3. Summary-Judgment Motions**

Prior to filing any summary-judgment motion, the parties must submit letter briefs requesting permission to file the motion. The opening letter brief must be no longer than 5 pages and filed electronically with the Court via CM/ECF as a “Request for Leave to File Motion for Summary Judgment.” The letter brief must state the basis for the summary-judgment motion and reasons why the motion is not premature. Opposition letter briefs must be no longer than 5 pages and filed with the Court no later than 7 days after the opening letter brief. No reply letter briefs may be filed without the Court’s permission. No hearing will be held unless otherwise ordered by the Court.

The Court typically sets the motion deadline for 8 weeks after the discovery cutoff. Because the Court requires that the party moving for summary judgment provide no less than 35 days’ notice for such motions, and parties must have the Court’s permission to file a summary-judgment motion, parties are advised to file their opening letter briefs well in advance of the motion cutoff.

The Court reminds counsel of their obligation to meet and confer prior to filing the letter briefs. *See* L.R. 7-3.

## **4. *Markman* Claim-Construction Hearing**

Parties must notice a *Markman* hearing (as a motion) according to the timeframe specified in the Patent Local Rules and the Court’s scheduling order. *See* Patent L.R. 4-6. Failure to properly notice will result in delays, and sanctions may be imposed for failure to abide by the Court’s scheduling order. Pursuant to the Patent Local Rules, the Court may make necessary adjustments to the requested *Markman* hearing date to accommodate the Court’s calendar.

1 The Court will not entertain requests to continue the discovery cut-off date  
2 absent good cause. Thus, if parties desire more time for discovery after—rather than  
3 before—the *Markman* hearing, parties should take less than the maximum allotted  
4 time under Patent Local Rules 3-1 to 3-5, 3-7, and 4-1 to 4-5.

5 The *Markman* hearing is scheduled for a maximum of 2 hours. Each side will  
6 have a maximum of 1 hour to present evidence and argument in support of its  
7 position. The parties may ask the Court well in advance if they need additional time.  
8 The parties are reminded that additional time is disfavored since the Court will rely  
9 heavily on the submitted briefs in making its decision. The parties are encouraged to  
10 simplify the issues and focus on their main arguments during the *Markman* hearing.  
11 Subject to the Court’s approval, parties will jointly agree to the format of the  
12 *Markman* hearing.

13 The claim construction briefs have the following page limits: 25 for opening  
14 and response, 12 for reply. Copies of all exhibits must be pre-marked, bound, and  
15 tabbed. In addition to memoranda, parties must collaborate and jointly submit the  
16 following: (1) Final Joint Claim Chart, which includes citations to intrinsic and  
17 extrinsic evidence—to be filed on the same day as the opening brief; (2) Joint  
18 Appendix of Extrinsic Evidence, which contains all extrinsic evidence relied upon in  
19 the claim construction briefing—to be filed and served on the same day as the reply  
20 brief.

21 If a party intends to present expert testimony at the *Markman* hearing, whether  
22 as a witness or by way of affidavit, a statement of the expert’s qualifications must be  
23 submitted as an additional attachment to any memorandum submitted. If the parties  
24 intend to present live witness testimony during the hearing, they should bring one  
25 additional copy of the Appendix of Extrinsic Evidence for the witness stand.

26 Parties are further reminded of the 10-term limit for construction. Patent  
27 L.R. 4-3(c). Failure to make a good faith effort to narrow the disputed terms may  
28 expose counsel to sanctions. Patent L.R. 4-7.

1     **5.     Technology Tutorial**

2             The Court may request and strongly encourages the parties to hold a technology  
3 tutorial prior to the *Markman* hearing. Parties shall file a joint statement proposing  
4 the desired format of the tutorial at least 6 weeks prior to the *Markman* hearing. The  
5 parties should meet and confer prior to filing the joint statement.

6             The Court will schedule an additional 1 hour maximum to the *Markman* hearing  
7 for the tutorial. The parties may ask the Court well in advance if they need additional  
8 time. Any remaining time from the tutorial will not be added to extend the total time  
9 for arguments and evidence at the *Markman* hearing. The tutorial must be conducted  
10 solely as an objective presentation of the technology at issue. Visual aids and  
11 demonstrative exhibits are strongly encouraged. Parties shall comply with the format,  
12 time limitations, and scheduling rules set out in the forthcoming scheduling and case-  
13 management order.

14             All materials utilized in the technology tutorial shall be lodged with the Court  
15 by no later than 7 days prior to the tutorial. The parties may include a memorandum,  
16 not to exceed 5 pages, summarizing the materials and tutorial.

17     **6.     Discovery**

18             The Court expects the parties to resolve discovery issues by themselves in a  
19 courteous, reasonable, and professional manner. Unless otherwise directed, the  
20 assigned **Magistrate Judge** will rule on all discovery motions and handle all  
21 discovery issues. Parties may also choose to consent to proceed before a United  
22 States Magistrate Judge for all purposes by filing a Central District form CV-11D.

23             Because patent cases tend to involve significant discovery concerning  
24 confidential documents, parties are encouraged to file a stipulated protective order as  
25 soon as possible. If one was not filed earlier, the Court requires parties to lodge a  
26 stipulated protective order along with the parties' joint scheduling conference report  
27 under Federal Rule of Civil Procedure 26(f), unless the parties deem such a protective  
28 order unnecessary in this case.

1     **7.     Patent File Histories**

2             Concurrently with the parties’ filing of the Joint Claim Construction and  
3 Prehearing Statement under Patent Local Rule 4-3, patentees are required to provide  
4 the Court a certified copy of the patent file history for each asserted patent.

5             The patent file history must be printed double-sided and compiled in a three-  
6 ring binder. Prior art references<sup>1</sup> should not be included in the paper copy. In addition  
7 to the paper copy of the patent file history, the patentee must submit an electronic  
8 copy on a flash drive, CD-ROM, or DVD. Each patent file history must be a single  
9 electronic file in PDF format. All prior art references must also be included on the  
10 flash drive, CD-ROM, or DVD, with each prior art reference appearing as a separate,  
11 identifiable PDF file. The patent file history and the associated flash drives,  
12 CD-ROMs, or DVDs should be sent directly to Judge Wright’s chambers and not filed  
13 with the Clerk’s office or via CM/ECF.

14     **8.     Jury Instructions and Special Jury Verdict Form**

15             Although not mandatory, the Court favors the adoption of the Model Patent Jury  
16 Instructions for the Northern District of California. Further, prior to the pre-trial  
17 conference, the Court requires parties to file, among other documents, a proposed  
18 special jury verdict form substantially based on the Sample Verdict Form,  
19 Appendix C.3 of the Model Patent Jury Instructions for the Northern District of  
20 California. A copy of the Model Patent Jury Instructions may be found at  
21 <https://www.cand.uscourts.gov/forms/jury-instructions>.

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28     <sup>1</sup> The documents listed under the “References Cited” section of the patent.

## 9. Damages Contentions

The Court will not impose the damages contentions disclosures required by Patent Local Rule 3-8 and 3-9 unless the parties jointly request them.

**IT IS SO ORDERED.**

January X, 2025

**OTIS D. WRIGHT, II**  
**UNITED STATES DISTRICT JUDGE**