

2019 UPDATE TO LOCAL PATENT RULES – NORTHERN DISTRICT OF TEXAS (NDTX)

Timing	Action	Rule
1st	26(f) Conference	2-1(a)
2nd (At lease 7 days before <i>each</i> case management conference)	Joint Case Management Statement	2-1(d)
7 Days before Initial Case Management Conference	(Party claiming infringement) Disclosure of <u>asserted claims</u> and <u>Preliminary Infringement Contentions</u> and Document Production per 3-2(a)	3-1(a) 3-2(a)
After parties File Case Management Statement (judge will schedule Initial Case Management Conference)	Initial Case Management Conference	2-1(b)
45 Days after 3-1(a) Disclosures	(Party opposing claim) Preliminary Invalidity Contentions must be served	3-3(a)
45 Days after 3-1(a) Disclosures	(Party opposing claim) Must produce Source Code and Prior Art (with English translations if foreign)	3-4(a)(b)
14 Days after service of Preliminary Invalidity Contentions	Each party must exchange a <u>List</u> of claim terms, phrases, etc. that should be construed by Judge, and claim elements that should be governed by 35 USC § 112(f)	4-1(a)
30 Days after source code production	Amended Infringement Contentions for software limitations	3-7(a)(1)
30 Days after receipt of Amended Infringement Contentions	Supplemental Invalidity Contentions	3-7(a)(2)
“after exchanging this list”	Parties must confer	4-1(b)
21 Days after exchanging List	Parties must simultaneously exchange preliminary proposed Claim Constructions	4-2(a)
21 Days after exchanging List	Preliminary identification of extrinsic evidence	4-2(b)
“thereafter”	Meet & Confer	4-2(c)
7 Days after service of Preliminary Claim Construction	Joint Construction And Prehearing Statement	4-3(a)
7 Days after service of Preliminary Claim Construction	Expert Testimony Disclosures	4-3(b)
30 Days after Joint Construction And Prehearing Statement is filed	Parties must complete all discovery related to Claim Construction	4-4
45 Days after Joint construction and prehearing statement is filed	Claim Construction Briefs	4-5(a)
14 Days after Claim Construction Briefs	Responsive Brief and supporting evidence	4-5(b)
7 Days after Response to Claim Construction Brief	Reply Brief	4-5(c)
2 Weeks after Response brief (subject to convenience of Judge’s calendar)	Claim Construction Hearing	4-6
10 Days after Claim Construction Hearing	Joint Claim Construction Chart	4-5(d)
30 Days after Claim construction ruling is filed	Final Infringement Contentions (without leave of court)	3-6(a)
50 Days after Claim construction ruling is filed	Final invalidity Contentions (without leave of court)	3-6(b)

	Misc. Scheduling Notes:	
Joint case management statement due 7 days before Additional Case Management Conference	Additional Case Management Conferenced may be set "from time to time."	2-1(c)(d)
7 days from filing	Response to discovery motion	2-6(b)
(If no patent is asserted in response to Declaratory judgment action) the later of 7 days before Initial Case Management Conference or 14 days after Declaratory Judgment Defendant answers Dec. action.	Invalidity Contentions and Rule 3-4 productions	3-5(a) Note that this Rule does not apply to a Dallas division patent case if Dec. filed in response to a complaint fir infringement.

Note – this is for informational purposes only and should not be relied upon as accurate or as legal advice. Further, amendments or changes may occur that are not reflected above.