District Local Rule Pat 4.3 (Patent)

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Not later than 28 days after the Exchange of Preliminary Claim Construction and Extrinsic Evidence the parties shall complete and file a Joint Claim Construction and Prehearing Statement, which shall contain the following information:

a) The construction of those claim terms on which the parties agree;

b) Each party's proposed construction or indefiniteness position for each disputed term, together with an identification of all references from the specification or prosecution history that support that position, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its position or to oppose any other party's position, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses;

c) An identification of the terms whose construction will be most significant to the resolution of the case up to a maximum of 10. The parties shall also identify any term among the 10 whose construction will be case or claim dispositive. If the parties cannot agree on the 10 most significant terms, the parties shall identify the ones which they do agree are most significant and then they may evenly divide the remainder with each party identifying what it believes are the remaining most significant terms. However, unless the parties stipulate or the Court otherwise orders, the total terms identified by all parties as most significant cannot exceed 10. For example, in a case involving two parties, if the parties agree upon the identification of five terms as most significant, each may only identify two additional terms as most significant; if the parties agree upon eight such terms, each party may only identify only one additional term as most significant.

d) The anticipated length of time necessary for the Claim Construction Hearing; and

e) Whether any party proposes to call one or more witnesses at the Claim Construction Hearing, the identity of each such witness, and for each witness, a summary of his or her testimony including, for any expert, each opinion to be offered related to claim construction. Unless the parties agree otherwise, any party that intends to rely on any witness who will give expert testimony to support that party's proposed constructions or indefiniteness positions shall serve the other party or parties with a claim construction expert report for that witness. Such reports shall comply with the disclosure requirements of Fed. R. Civ. P. 26(a)(2)(B) and shall be served no later than the date on which the Joint Claim Construction and Prehearing Statement is filed.