

Patent Local Rules Comparison

Event	Proposed D. Mass. Local Patent Rules	E.D. Tex. Local Patent Rules (eff. May 24, 2016)	N.D. Cal. Patent Local Rules (eff. Jan. 17, 2017)
Case Management Conference/ Initial Scheduling Conference	No time specified (usually within 3 months of filing of complaint)	60 days after first defendant appears	90 days after the action was filed – Civil L.R. 16-2(a)
Time to Trial	24 months after ISC	Not specified	Not specified
[Initial] Infringement Contentions	21 days after the Initial Case Management Conference – Rule 16.6(d)(1)	10 days before the Initial Case Management Conference - P.R. 3-1	14 days after the Initial Case Management Conference - Patent L.R. 3-1
[Initial] Invalidity and Noninfringement Contentions	42 days after Infringement Contentions – Rule 16.6(d)(4)	45 days after Infringement Contentions - P.R. 3-3	45 days after Infringement Contentions - Patent L.R. 3-3
Exchange of Claim Terms Needing Construction	21 days after Invalidity and Noninfringement Contentions – Rule 16.6(e)(1)	10 days after Invalidity Contentions - P.R. 4-1(a)	14 days after Invalidity Contentions - Patent L.R. 4-1(a)
Joint Claim Construction Statement	14 days after exchange of terms – Rule 16.6(e)(1)	60 days after Initial Invalidity Contentions - P.R. 4.3	60 days after Invalidity Contentions - Patent L.R. 4-3
Limit on Terms?	10, except for good cause – Rule 16.6(e)(1)	Not limited	Maximum of 10 - Patent L.R. 4-3(c)
Patentee's Opening Claim Construction Briefs	21 days after Joint Claim Construction Statement – Rule 16.6(e)(2)	45 days after the Joint Claim Construction Statement - P.R. 4.5(a)	45 days after the Joint Claim Construction Statement – Patent L.R. 4-5(a)
Responsive Briefs	45 days after Opening Briefs – Rule 16.6(e)(4)	14 days after Opening Briefs - P.R. 4.5(b)	14 days after Opening Briefs - Patent L.R. 4-5(b)
Reply	Not specified	7 days after Responsive Briefs - P.R. 4.5(c)	7 days after Responsive Briefs- Patent L.R. 4-5(c)
Claim Construction Hearing	9 months after ISC – Rule 16.6(c)(1)	2 weeks after Reply CC Briefs - P.R. 4.6 (approx. 6.2 months after CMC)	2 weeks after Reply CC Briefs- Patent L.R. 4-6 (about 6.6 months after CMC)
Claim Construction Ruling	Not specified	Not specified	Not specified
Close of Fact Discovery	15 months after ISC, or 60 days after CC Ruling, whichever is later – Rule 16.6(c)(4)	Case-by-case basis	Case-by-case basis
Close of Expert Discovery	18 months after ISC, or 90 days after CC Ruling, whichever is later – Rule 16.6(c)(4)	Case-by-case basis	Case-by-case basis