

APPENDIX A

5. Alternative Discovery Plan. The parties propose a discovery plan that differs from that provided in the Local Patent Rules, for the reasons described with particularity in Exhibit 1 to this Report:

<Use separate paragraphs or subparagraphs if the parties disagree.>

6. Other Dates:

- (a) <Dates for supplementations under Rule 26(e).>
- (b) <A date if the parties ask to meet with the court before a scheduling order.>
- (c) <Requested dates for pretrial conferences.>
- (d) <Final dates for the plaintiff to amend pleadings or to join parties.>
- (e) <Final dates for the defendant to amend pleadings or to join parties.>
- (f) <Final dates for submitting Rule 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists.>
- (g) <Final dates to file objections under Rule 26(a)(3).>

7. Other Items:

- (a) <State the prospects for settlement.>
- (b) <Identify any alternative dispute resolution procedure that may enhance settlement prospects.>
- (c) Anything shown or told to a testifying expert relating to the issues on which he/she opines, or to the basis or grounds in support of or countering the opinion, is subject to discovery by the opposing party.
- (d) The parties agree that drafts of expert reports [will/will not] be retained and produced;
- (e) In responding to discovery requests, each party shall construe broadly terms of art used in the patent field (e.g., “prior art”, “best mode”, “on sale”), and read them as requesting discovery relating to the issue as opposed to a particular definition of the term used. Compliance with this provision is not satisfied by the respondent including a specific definition of the term in its response, and limiting the response to that definition.
- (f) The parties [agree/do not agree] the video “An Introduction to the Patent System” distributed by the Federal Judicial Center, should be shown to the jurors in connection with its preliminary jury instructions.
- (g) <Other matters.>

Date: <Date>

<Signature of the attorney or unrepresented party>

<Printed name>
<Address><E-mail address>
<Telephone number>

Date: <Date>

<Signature of the attorney or unrepresented party>

<Printed name>
<Address>
<E-mail address>
<Telephone number>

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