

Proposed Rule Change Summary
Patent Rules – Effective February 1, 2021

Local Civil Rule	Description	Change
101.1	Title	The second sentence was deleted due to being duplicative of language on the cover page of the local civil rules.
101.2	Purpose, Scope and Construction	The language regarding the relation of the local patent rules to the local civil rules was clarified.
101.3	Effective Date	A typographical error was corrected.
102.1	Initial Scheduling Conference	The reference to Local Civil Rule 26.1(e)(2) was deleted. Comments were added regarding (1) initial scheduling conference topics, (2) disagreements as to a party's standing, and (3) voluminous discovery.
102.2	Confidentiality	The second sentence in section (b) was deleted as unnecessary in light of recent revisions to the sealed document rules. (See LR 5.4 and LR 5.5.)
102.5	Relationship to The Federal Rules of Civil Procedure	A comment was added to help avoid unnecessary disputes and to minimize disputes brought before the Court.
103.1	Disclosure of Asserted Claims and Preliminary Infringement Contentions	Section (a) was modified to reference 35 U.S.C. § 271. Section (c) was modified to include subsection (f) (as applicable of 35 U.S.C. § 112.
103.2	Document Production Accompanying Disclosure of Asserted Claims and Preliminary Infringement Contentions	The words "and prosecution" in section (c) were deleted for clarification.
103.3	Preliminary Patent Invalidity Contentions	This rule was modified to delete the requirement of providing non-infringement contentions. A new comment was added to explain the change. Updates were made for changes to 35 U.S.C. § 102 and § 112.
103.4	Document Production Accompanying Preliminary Non-Infringement and Invalidity Contentions	This rule was modified to delete references to non-infringement contentions and update the reference to LR 103.3.

Local Civil Rule	Description	Change
103.5	Disclosure Requirement in Patent Cases Seeking a Declaratory Judgment	A typographical error was corrected.
103.6	Final Contentions	The rule was modified to specify how parties can amend preliminary contentions. Non-infringement wording was removed.
103.7	Amendment to Contentions	Non-infringement wording was removed.
104.1	Exchange of Proposed Terms and Claim Elements for Construction	Non-infringement wording was removed. An update was made for changes to 35 U.S.C. § 112.
104.2	Exchange of Preliminary Claim Constructions and Extrinsic Evidence	An update was made for changes to 35 U.S.C. § 112.
104.3	Joint Claim Construction Statement	Non-infringement wording was removed.