

Judge Albright Issues a New Order Governing Proceedings

JANUARY 31, 2024

Judge Albright issued a [new Order Governing Proceedings](#) on January 23, 2024. The minor update clarifies that the court’s discovery-dispute process should also be used for “disputes regarding procedural matters such as extensions of time, excess pages, narrowing claims and prior art, amending invalidity and infringement contentions, etc.” The order also clarifies that a motion to transfer (inter- and intradistrict) must be filed within three weeks after the CMC or within eight weeks of receiving or waiving service of the complaint, whichever is later.

The most substantive change is that parties are now limited to five motions *in limine* each, in addition to the 23 court MILs in new Appendix C. The page limit for party MILs remains 15 per side. The plaintiffs are now required to file form AO 120 (Report to PTO) whenever changes in the case require, such as an amended complaint. Parties consenting to trial by a magistrate judge must file form AO 85 by the dispositive-motion deadline. Parties must notify the court of any changes to the asserted patents or claims after the joint pretrial order and pretrial submissions have been filed. There are also some new requirements for trial and posttrial relating to jury instructions, a proposed final judgment, and posttrial bonds.

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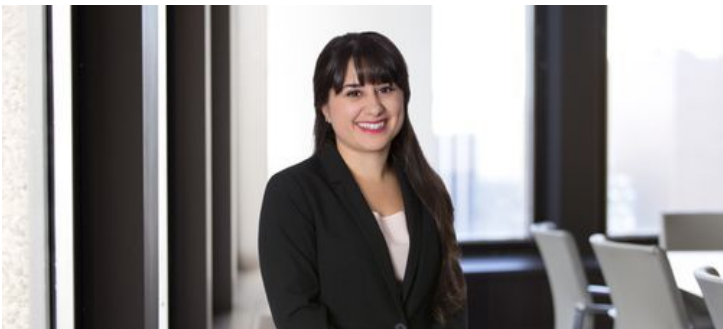
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