


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**STANDING ORDER REGARDING PRETRIAL PROCEDURES
IN CONSOLIDATED CASES**

The Court **ORDERS** that in any case consolidated by the Court with one or more other cases, for pre-trial matters, the Parties shall file an exhibit to their Joint Pretrial Order setting forth a list identifying all docket entries from the lead case that relate to the specific member case which is proceeding to trial. All future submissions of proposed docket control orders in such consolidated cases, either initial or amended, shall include the following amended language (in bold, italicized font below) in the section thereof entitled “Joint Pretrial Order”:

Joint Pretrial Order: In the contentions of the Parties included in the Joint Pretrial Order, the Plaintiff shall specify all allegedly infringed claims that will be asserted at trial. The Plaintiff shall also specify the nature of each theory of infringement, including under which subsections of 35 U.S.C. § 271 it alleges infringement, and whether the Plaintiff alleges divided infringement or infringement under the doctrine of equivalents. Each Defendant shall indicate the nature of each theory of invalidity, including invalidity for anticipation, obviousness, subject-matter eligibility, written description, enablement, or any other basis for invalidity. The Defendant shall also specify each prior art reference or combination of references upon which the Defendant shall rely at trial, with respect to each theory of invalidity. The contentions of the Parties may not be amended, supplemented, or dropped without leave of the Court based upon a showing of good cause. *The Parties in a case which has been consolidated for pre-trial purposes and which is moving towards a separate trial on the merits (subsequent to pre-trial) shall file, as an exhibit to the parties’ Joint Pretrial Order, a list identifying all docket entries from the lead case that relate to the applicable member case.*

So **ORDERED** and **SIGNED** this 21st day of September, 2022.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE