**IN THE UNITED STATES DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF TEXAS**

**TYLER DIVISION**

|  |  |
| --- | --- |
| **Plaintiff**    **v.**        **Defendant** | **§**  **§**  **§**  **§**  **§ CASE NO.**  **§ PATENT CASE**  **§**  **§**  **§**  **§** |

**DISCOVERY ORDER**

After review of the pleaded claims and defenses in this action and in furtherance of the management of the Court’s docket under Fed. R. Civ. P. 16, the Court enters the following Discovery Order:

1. **Discovery Limitations.**  Discovery is limited in this cause to the disclosures set forth in the Court’s Docket Control Order, together with 50 interrogatories and 50 requests for admissions per party. Also permitted are the depositions of the parties, depositions on written questions of custodians of business records for third parties, and depositions of each party’s expert witnesses. The parties may agree on a number of hours of depositions per party. Each side is limited to two testifying expert witnesses.
2. **Requests for Production.**  Because documents relevant to any claim or defense are to be produced pursuant to the Patent Rules and the Court’s Docket Control Order, requests for production are unnecessary. However, should a party believe that certain relevant documents have not been produced, that party may request said documents by letter. The Court will entertain a motion to compel documents without the necessity of a movant propounding formal requests for production.
3. **Discovery Conferences.**  Within 72 hours of the Court setting any discovery motion for hearing, each party’s lead trial counsel and local counsel shall meet and confer in person or by telephone in an effort to resolve the dispute without Court intervention. Counsel shall promptly notify the Court of the results of the meeting. Attendance by proxy is not permitted. Unless excused by the Court, lead counsel shall attend any discovery hearing set by the Court.