

September 13, 2005

PRESS RELEASE

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
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FEDERAL COURT PROPOSES TO AMEND LOCAL RULES

The U.S. District Court for the District of Minnesota has approved several proposed amendments to the Court's Local Rules of practice. The rule changes, which will affect pre-trial procedures in patent cases, were recommended by a court-appointed Advisory Committee, chaired by Attorney Jake M. Holdreith, and by the Court's Federal Practice Committee, chaired by Attorney Jeffrey Keyes. Briefly summarized, these proposed amendments will provide as follows:

(1) Proposed Amendment to LR 16.2 The proposed amendment to LR 16.2 will require that in patent cases the Report prescribed by Fed. R. Civ. P. 26(f) be submitted on a special form, referred to as "**Form 4 - Rule 26(f) Report (Patent Cases)**." This new form includes various provisions that will govern discovery procedures in patent cases, unless the parties agree otherwise. The form also authorizes the use of "tutorials" to help the presiding judge understand the technological aspects of the case.

(2) Proposed Amendment to LR 16.6 The proposed amendment to LR 16.6 will require the parties in patent cases to "confer with the objective of agreeing to a particular set of model jury instructions to be used as a template for each party's proposed jury instructions."

(3) Proposed Amendment to LR 26.1 The proposed amendment to LR 26.1 will add a new subsection (c) to the Rule, entitled "**Protective Orders in Patent Cases**." The new LR 26.1(c) provides that, in patent cases, a party cannot refuse to comply with a valid request for discoverable material simply because the requested material allegedly includes confidential or trade secret information. However, the new subsection (c) further provides that "[d]istribution of any material identified as confidential by a producing party... shall be limited to outside attorneys of record in the case who will not be involved in reviewing or drafting claims or arguments on behalf of the receiving party in any patent prosecution before the United States Patent and Trademark Office or foreign patent agency." The new subsection (c) also provides a standard form protective order, "**Form 5**," which can be used by litigants in patent cases.

(4) Proposed Amendment to LR 39.1 Under the proposed amendment to LR 39.1, when the parties in a patent case have agreed to a particular set of model jury instructions, (as contemplated by the amendment to LR 16.6 noted above), the parties must "file and serve those of their instructions that pertain to the claims relating to patents in the form of specific additions to and/or deletions from those model instructions."

The full text of the proposed amendments, as well as the accompanying Advisory Committee Notes, can be obtained by accessing the District Court's website at www.mnd.uscourts.gov, by visiting or calling the Office of the Clerk of Court in St. Paul, Minneapolis, Duluth or Fergus Falls. As required by federal statute, the proposed amendments will be posted by the Court for public review and comment through **October 13, 2005**. Comments should be provided in writing to the Clerk of Court at the address above, or by e-mail to MnFedRules@mnd.uscourts.gov. The rules will be adopted by the full Court following consideration of any comments or suggestions received by the Clerk of Court during the public notice period.