Rule 2.09 (FRCP 7.1 and FRCrP 12.4) Disclosure Statements in Civil and Criminal Cases.

(A) Civil Cases (Fed. R. Civ. P. 7.1).

Every nongovernmental corporation that is a party, intervenor, or proposed intervenor in any case must file a Disclosure Statement. Unless the Court orders otherwise, every party, intervenor, or proposed intervenor in an action in which jurisdiction is based upon diversity under 28 U.S.C. § 1332(a) must file a Disclosure Statement. Disclosure Statement forms are provided by and available from the Clerk of Court. Information provided in the Disclosure Statement may be used by the judge assigned to a case to determine recusal and jurisdictional issues. The Disclosure Statement may be filed under seal if so ordered by the Court in accordance with Local Rule 13.05(A). When a negative or "not applicable" response is required, the Disclosure Statement must so state.

(1) Content.

(a) If the subject is a nongovernmental corporation that is a party, intervenor, or proposed intervenor in any case, the Disclosure Statement must identify whether the subject is publicly traded and if so on which exchange(s), parent companies or corporations, subsidiaries not wholly owned, and any publicly held corporation or company that owns five percent (5%) or more of the subject's stock.

(b) If the subject is a party, intervenor, or proposed intervenor in an action in which jurisdiction is based on diversity under 28 U.S.C. § 1332(a), the Disclosure Statement must identify the subject's name and the citizenship of every individual or entity whose citizenship is attributed to the subject, including all members, sub-members, general and limited partners, and corporations. "Sub-members" include the members of members (i.e., first-tier sub-members), and the members of first-tier sub-members (i.e., second-tier sub-members), the members of second-tier sub-members (i.e., third-tier sub-members), and so on, until the Court knows the citizenship of all persons and entities within the ownership structure. Further, if a corporation is a member or sub-member of the subject, that corporation's state of incorporation and principal place of business must be disclosed.

(2) Time to File; Supplemental Filing.

A party, intervenor, or proposed intervenor must file the Disclosure Statement with its first appearance, pleading, petition, motion, response, or other request addressed to the Court. If any required information changes and/or if any later event occurs that could affect the Court's jurisdiction under 28 U.S.C. § 1332(a), the party, intervenor, or proposed intervenor must file a supplemental Disclosure Statement within seven (7) days after the change or event.

(B) Criminal Cases (Fed. R. Crim. P. 12.4).

Any nongovernmental corporate party to a proceeding must file a Disclosure Statement. Unless the government shows good cause, it must file a Disclosure Statement identifying any organizational victim of the alleged criminal activity. The Disclosure Statement form is provided by and available from the Clerk of Court. The Disclosure Statement may be filed under seal if so ordered by the Court in accordance with Local Rule 13.05(A). When a negative or "not applicable" response is required, the Disclosure Statement must so state.

(1) Content.

(a) If the subject is a nongovernmental corporate party, the Disclosure Statement must identify whether the subject is publicly traded and if so on which exchange(s), parent companies or corporations, subsidiaries not wholly owned, and any publicly held corporation or company that owns five percent (5%) or more of the subject's stock.

(b) Unless the government shows good cause, it must identify any organizational victim of the alleged criminal activity. If the victim is a corporation, the government must also disclose the information required by E.D. Mo. L.R. 2.06(B)(1)(a) to the extent that information can be obtained through due diligence.

(2) Time to File; Supplemental Filing.

A party must file the Disclosure Statement within 28 days after the defendant's initial appearance. A party must file a supplemental Disclosure Statement within seven (7) days after any change in any required information.

(Amended December 9, 1998, effective February 1, 1999; Amended July 10, 2006, effective August 28, 2006; Amended November 5, 2014, effective December 15, 2014; Amended October 2, 2019, effective November 1, 2019; Amended December 14, 2022, effective March 1, 2023; Amended October 1, 2025, effective December 15, 2025)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

Plaintiff(s),	)	
vs.	)	Case No.
Defendant(s).	)	

Disclosure Statement

Pursuant to Local Rule 2.09, and Fed. R. Civ. P. 7.1 or Fed. R. Crim. P. 12.4, the undersigned discloses the following information about _____:

1. If the subject is a nongovernmental corporation that is a party, intervenor, or proposed intervenor in a civil or criminal case,

a. Whether it is publicly traded, and if it is, on which exchange(s):

b. Its parent companies or corporations (if none, state "none"):

c. Subsidiaries that are not wholly owned by the subject (if none, state "none"):

d. Any publicly held company or corporation that owns five percent (5%) or more of the subject's stock (if none, state "none"):

2. If the subject is a party, intervenor, or proposed intervenor in an action in which jurisdiction is based on diversity under 28 U.S.C. § 1332(a), the name and citizenship of every individual or entity whose citizenship is attributed to that party or intervenor, including all members, sub-members, general and limited partners, and corporations:

Note: Sub-members include the members of members (i.e., first-tier sub-members), and the members of first-tier sub-members (i.e., second-tier sub-members), the members of second-tier sub-members (i.e., third-tier sub-members), and so on, until the Court knows the citizenship of *all* persons and entities within the ownership structure. Further, if a corporation is a member or sub-member of the subject organization, that corporation's state of incorporation and principal place of business must be disclosed.

3. If the subject is an organizational victim in a criminal case,

a. The victim's identity _____

b. If the victim is a corporation,

1. Whether it is publicly traded, and if it is, on which exchange(s):

2. Its parent companies or corporations (if none, state "none"):

3. Subsidiaries that are not wholly owned by the subject (if none, state "none"):

4. Any publicly held company or corporation that owns five percent (5%) or more of the subject's stock (if none, state "none"):

By signing this form, counsel acknowledges that "if any required information changes," and/or "if any later event occurs that could affect the court's jurisdiction under 28 U.S.C. § 1332(a)," counsel will file a Disclosure Statement promptly, which means no later than seven (7) days of the change or event. E.D.Mo. L.R. 2.09(A)(2) and (B)(2); Fed. R. Civ. P. 7.1(a)(2)(B) and (b)(2); Fed. R. Crim. P. 12.4(b)(2).

_____
Signature (Counsel for Plaintiff/Defendant)
Print Name: _____
Address: _____
City/State/Zip: _____
Phone: _____

Certificate of Service

I hereby certify that a true copy of the foregoing Disclosure Statement was served (by mail, by hand delivery, or by electronic notice) on all parties on:
_____, 20____.

_____
Signature

Rule 3.01 (FRCP 26) Federal Rule of Civil Procedure 26.

(A) Disclosure Pursuant to Rule 26(a)(1) and (2).

Disclosures shall be made in the manner set forth in Fed.R.Civ.P. 26(a)(1) and (2), except to the extent otherwise stipulated by the parties or directed by order of the Court. Disclosure of documents and electronically stored information pursuant to Rule 26(a)(1)(A)(ii) shall be made by providing a copy to all other parties, except as otherwise ordered by the Court. Electronically stored information shall be disclosed in a form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable. A party need not disclose the same electronically stored information in more than one form.

(B) Timing and Sequence of Discovery.

Discovery shall commence in accordance with Fed.R.Civ.P. 26(d), except to the extent otherwise stipulated by the parties or directed by order of the Court.

(C) Model Civil Protective Order

The Eastern District has approved a Model Civil Protective Order (Appendix A). Where the parties jointly request a protective order in the form of the Model Civil Protective Order, the Court may presume good cause exists for the entry of that Order under Federal Rule of Civil Procedure 26(c). The existence of an approved Model Civil Protective Order shall not limit the ability of any party to seek a protective order in any other form where good cause exists under Rule 26(c). Where a proposed protective order differs from the Model Civil Protective Order, the Court may require the movant to explain the basis for any differences between the movant's proposed order and the Model Civil Protective Order and/or provide a redlined copy reflecting those differences.

(Amended June 12, 2001, effective August 1, 2001; Amendment to Paragraph (A) adopted April 9, 2007, effective May 14, 2007; Amended October 8, 2009, effective December 1, 2009; Amended October 1, 2025, effective December 15, 2025)

FORM PROTECTIVE ORDER
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

[NAME OF PARTY], Plaintiff(s), v. [NAME OF PARTY], Defendant(s).	Case No.:

[MODEL] CIVIL PROTECTIVE ORDER

Having determined that discovery in this action could entail the production of confidential, proprietary, or other sensitive, non-public information or documents ("Confidential Information"), the parties have jointly requested an Order pursuant to Federal Rule of Civil Procedure 26(c) requiring that the following disclosure and dissemination protocols shall apply to Confidential Information produced in this action pursuant to the Federal and Local Rules of Civil Procedure governing disclosure and discovery. The Court finds that good cause exists for the protective order described below. Notwithstanding anything in this Order, all Parties shall comply with Eastern District of Missouri Local Rule 13.05, which governs sealing of Court filings.

1. For the purposes of this Order, "**Documents**" shall mean all materials within the scope of Federal Rule of Civil Procedure 34 (including written discovery responses and transcripts of depositions or other similarly recorded proceedings), "**Producing Party**" shall mean any party to this action (or third-party consenting to be bound by this Order) producing Documents pursuant to the Federal and Local Rules of Civil Procedure governing disclosure and discovery, and

"**Receiving Party**" shall mean any party to this action (or third-party consenting to be bound by this Order) to whom such Documents are produced.

2. A Producing Party may designate as "Confidential" any Documents that the Producing Party in good faith contends constitute or contain Confidential Information. Confidentiality designations for depositions shall be made either on the record or by written notice to the other parties within 10 days of receipt of the transcript. Unless otherwise agreed, deposition transcripts shall be treated as Confidential Information for 10 days after their receipt. For the purposes of designating deposition transcripts or portions thereof as "Confidential," any party to this action or third-party providing deposition testimony in this action shall be deemed a "Producing Party."

3. Receiving Parties should take reasonable and prudent measures to protect Confidential Information from disclosure except as permitted by this Order or otherwise required by law. Receiving Parties shall use Confidential Information solely for the purpose of this Action and for no other purpose.

4. Access to Confidential Information, directly or indirectly, shall be limited to the following:

a. **The Court and its personnel**;

b. **Court reporters**;

c. **Counsel**, i.e., attorneys and employees of counsel who have responsibility for the action;

d. **Author or Recipient**, i.e., persons listed as the author or recipient of the subject Documents (and, in the case of a deponent involving a deposition transcript, the deponent);

e. **Parties and Insurance Carriers**, i.e., individual Parties (including their employees and other agents whose assistance counsel determines is reasonably necessary to the conduct of the litigation) and their insurance

carriers (including their employees and other agents whose assistance counsel determines is reasonably necessary to the conduct of the litigation);

f. **Contractors**, i.e., those persons specifically engaged for the limited purpose of copying, organizing, or otherwise processing Documents, including vendors hired to process electronically stored information;

g. **Lay Witnesses**, subject to the conditions set forth below;

h. **Consultants and Expert Witnesses**, i.e., persons used by the parties or their attorneys to furnish technical or expert services, or to provide assistance as mock jurors or focus group members or the like, and/or to give testimony in this action;

i. **Third -Party Neutrals,** subject to the conditions set forth below; and

j. **Others by consent** or **Court** order, on such conditions as may be agreed or ordered.

Prior to sharing Confidential Information with any of the persons listed in subcategories **e** through **j** above, each must be informed of and agree to abide by this Protective Order.

Lay Witnesses may be shown copies of Documents reasonably related to their potential testimony that include Confidential Information but shall not retain such copies. Confidential Information may be sent to **Witnesses** electronically for their review during telephonic or other remote conversations with counsel, provided such witnesses are instructed and agree to delete that Confidential Information at the conclusion of the conversation. The deposition of any **Lay Witnesses** or **Expert Witnesses** (or any portion of such deposition) that includes Confidential Information shall be taken only in the presence of persons permitted to access Confidential Information under this Order or witnesses not subject to exclusion under Federal Rule 615.

Third-Party Neutrals may be provided with or shown copies of Documents that include Confidential Information subject to a confidentiality agreement

5. Third parties may consent to and be bound by this Protective Order. Third parties so consenting may designate Documents as "Confidential" as set forth in Paragraph 2. Any party

serving discovery requests on third parties (e.g., subpoenas, authorizations, etc.) shall provide a copy of this Protective Order with those requests.

6. Subject to the meet and confer requirements applicable to other discovery disputes in this action, any party can challenge another party or third-party's designation of Documents as "Confidential."

7. An inadvertent failure to designate a Document as Confidential does not waive the right to so designate the Document. A Producing Party may correct such failure by providing written notice of the error and substituting copies of the inadvertently produced Document with appropriately designated replacements.

If a Producing Party designates a previously produced Document as Confidential, the Receiving Party shall make a reasonable effort to ensure that the Document is treated in accordance with this Order. In such circumstances, the Receiving Party shall make reasonable efforts to retrieve the original undesignated copies distributed to persons not permitted to receive Documents with the corrected designation. No Party shall be found to have violated this Order for failing to maintain the confidentiality of material during a time when that material had not been designated Confidential, even where the failure to so designate was inadvertent and where the material is subsequently designated as Confidential.

8. The inadvertent production or disclosure of any privileged or otherwise protected information by any party shall not constitute, or be considered as a factor suggesting, a waiver or impairment of any claims of privilege or protection, including but not limited to the attorney-client privilege and the attorney work-product doctrine. Any Producing Party who inadvertently discloses Documents that are privileged or otherwise immune from discovery shall, promptly upon discovery of such inadvertent disclosure, so advise the Receiving Party and request that the

Documents be returned or destroyed. The Receiving Party shall return or destroy such inadvertently produced Documents, including all copies, within ten (10) days of receiving such a written request. The Receiving Party may thereafter seek reproduction of any such Documents pursuant to applicable law. If a Document is in a form that cannot be returned (e.g., electronic mail) it must be deleted.

9. Eastern District of Missouri Local Rule 13.05 dictates how to seek leave to file Documents containing Confidential Information under seal on the Court docket. The parties may seek further protections against public disclosures prior to the disclosure of Confidential Information in a trial or hearing.

10. No action taken in accordance with this Order shall be construed as a waiver of any claim or defense in the action or of any position as to discoverability or admissibility of evidence.

11. This Order does not restrict the use of Documents at trial. Issues of use or admissibility at trial shall be determined by the Court at an appropriate time.

12. This Protective Order also does not restrict the use by a party of documents and information obtained from sources other than a Producing Party.

13. Within 60 days of the termination of this Action, including any appeals, upon written request, all originals and copies of all Documents containing Confidential Information shall be destroyed or returned to the Producing Party unless (1) the Document was offered into evidence or filed without restriction as to disclosure or (2) the Document bears notations, summations, or other mental impressions of the receiving Party. Notwithstanding the foregoing, counsel for a Receiving Party may retain a copy of a Document containing Confidential Information after final resolution of this Action for purposes of defending any potential malpractice actions, as otherwise required by law, or as otherwise required under the applicable rules of professional conduct.

14. The obligations imposed by this Order shall survive the termination of this action.

15. The Parties shall work in good faith not to cause each other undue burden and expense in connection with this Order.

16. This Order may be modified by agreement of the Parties without leave of Court or by order of the Court.

SO ORDERED this ____ day of _____, 20__

_____

UNITED STATES JUDGE

The parties hereby stipulate to the entry of the foregoing Protective Order.

By: _____ By: _____

Rule 6.03 (FRCP 16) Neutrals.

(A) Certification of Neutrals.

(1) The Court will certify those persons who are eligible to serve as neutrals (mediators or evaluators) in such numbers as the Court deems appropriate. The Court will have the authority to establish qualifications for and monitor the performance of neutrals, and to withdraw the certification of any neutral. A list of certified neutrals will be maintained by the Clerk, and will be made available to counsel, litigants, and the public for inspection upon request.

(2) To be eligible for certification under this rule a person must:

(a) File an application for certification on a form provided by the Clerk;

(b) Be admitted to practice law in the highest court of any state or the District of Columbia for at least five (5) years;

(c) Be a member in good standing in each jurisdiction where admitted to practice law at the time of application for certification;

(d) Complete at least thirty-two (32) hours of approved professional training in mediation;

(e) With the consent of the parties, observe as a non-participant at least two (2) mediations conducted by a mediator who has completed at least twenty-five (25) mediations and is either certified under this rule or qualified under Missouri Supreme Court Rule 17;

(f) Agree to serve for reduced or no compensation from a party who has qualified pursuant to paragraph (C)(2) of this rule for appointment of a pro bono neutral;

(g) Complete four (4) hours of accredited continuing legal education in alternative dispute resolution on or before January 31 of each odd numbered year for the two preceding years; and

(h) With the consent of the parties, after having completed twenty-five (25) mediations, agree to be observed for two (2) mediations each year by interested individuals who would otherwise be qualified for certification under this rule.

(3) The training requirement established in paragraph (A)(2)(d) above is satisfied by the completion of accredited continuing legal education course work which includes the following:

(a) Conflict resolution and mediation theory, including causes and dynamics of conflict, interest-based versus positional bargaining, negotiating theory, and models of conflict resolution;

(b) Mediation and co-mediation skills and techniques, including information gathering skills, conflict management skills, listening skills, negotiations techniques, power issues, caucusing, management of joint session, cultural and gender issues, and modeling with self-represented as well as represented individuals;

(c) Mediator conduct, including conflicts of interest, confidentiality, impartiality, ethics and standards of practice; and

(d) Mediation simulations or role play activities.

(4) A court-certified neutral must maintain an active license to practice law and remain in good standing.

(5) An attorney certified under this rule who is not admitted to practice law in this Court is bound by the Rules of Professional Conduct as approved and amended from time to time by the Supreme Court of Missouri and this Court's Rules of Disciplinary Enforcement, in accordance with Local Rule 12.02, to the same extent and under the same conditions as a member of the bar authorized to practice before this Court.

(6) Any member of the bar of this Court who is certified as a neutral will not for that reason be disqualified from appearing as counsel in any other case pending before the Court.

(7) After January 31 of each odd-numbered year, the Clerk will examine the list of certified neutrals to determine which neutrals did not receive appointments during the previous two years and which neutrals did not complete the continuing legal education required in paragraph (A)(2)(g) above. The Clerk will determine the neutral's interest in continuing to be carried on the Court's list of certified neutrals. If the neutral desires to remain on the list, the neutral will submit by April 1 information demonstrating completion of the continuing legal education requirement during the previous two years as well as information demonstrating the neutral's continued interest in mediation. If such information is not provided,

the Clerk will recommend to the Court that the neutral be removed from the list. A person applying for certification as a neutral after having been removed pursuant to this rule must satisfy the requirements for certification in effect at the time of the new application.

(8) In addition to the removal process set forth in paragraph (6) above, the Court may withdraw the certification of any neutral at any time, provided that the neutral will be given notice in writing including the reason for the withdrawal of certification at least 30 days prior to the proposed date of withdrawal. If the neutral objects to the withdrawal, the neutral must respond in writing to the Clerk prior to the proposed date of withdrawal and may request an opportunity to be heard. Upon receipt of the neutral's request, the Court will stay the withdrawal, furnish the neutral an opportunity to be heard, and respond to the neutral in writing as to the manner of the hearing. The hearing will take place within 30 days of the neutral's request. After the hearing, the Court will advise the neutral in writing as to its final determination of the neutral's status.

(B) Appointment of Neutrals.

(1) Within the time prescribed by the Order Referring Case to Alternative Dispute Resolution, the parties must notify the Clerk in writing of the parties' choice of a neutral. If the parties fail timely to select a neutral, the Clerk will select a certified neutral from the list and notify the parties.

(2) Notwithstanding subsection (B)(1), the Court, in consultation with the parties, may appoint a neutral who has special subject matter expertise germane to a particular case, whether or not the individual is on the list of certified neutrals. Parties must file a:

(a) Motion for leave to designate a neutral not on the list of certified neutrals maintained by the Court. The motion must include the reason for the selection of the neutral; and

(b) Notice of non-court certified neutral request form, which may be found on the Court's website here.

(3) The Clerk will send a Notice of Appointment of Neutral to the parties and to the individual designated by the parties, after lead counsel has confirmed the neutral's availability. Upon receipt of the Notice of Appointment, lead counsel must send to the neutral a copy of the Order Referring Case to Alternative Dispute Resolution.

(C) Compensation of Neutral.

(1) Unless otherwise agreed by all parties or ordered by the Court, one-half the cost of the neutral's services will be borne by the plaintiff(s) and one-half by the defendant(s) at the rate listed in the neutral's fee schedule filed with the Court. In a case with third-party defendants, the cost will be divided into three equal shares. Except as provided in subsection (C)(2), a neutral may not charge or accept in connection with a particular case a fee or thing of value from any source other than the parties. The Court may review the reasonableness of the fee and enter any order modifying the fee. Compensation will be paid directly to the neutral. Failure to pay the neutral will be brought to the Court's attention promptly, by the neutral or by any party.

(2) A party who demonstrates a financial inability to pay all or part of that party's pro rata share of the neutral's fee may file a motion asking the Court to appoint a neutral to serve pro bono. The Court may waive all or part of that party's share of the fee. A neutral appointed to serve pro bono may apply to the Court for payment of that share of the neutral's fee waived for an indigent party, consistent with regulations approved by the Court. When so ordered by the Court, payment to the neutral will be made by the Clerk from the Attorney Admission Fee Non-Appropriated Fund. Other parties to the case who are able to pay the fee will bear their pro rata portions of the fee.

(D) Disqualification of Neutral.

(1) The term "conflict of interest" as used in this rule means any direct or indirect financial or personal interest in the outcome of a dispute, or any existing or prior financial, business, professional, family or social relationship with any participant in an ADR process that is likely to affect the neutral's impartiality or reasonably create an appearance of partiality or bias.

(2) A neutral must avoid a conflict of interest or the appearance of a conflict of interest during and after a mediation or early neutral evaluation. A neutral must make a reasonable inquiry to determine whether there are any facts that would cause a reasonable person to believe that an actual or potential conflict of interest exists for the neutral in connection with service in a particular case referred to ADR by the Court.

(3) A neutral must disclose to all participants, as soon as practicable, all facts and information relevant to any actual and potential conflicts of interest that are

reasonably known to the neutral. If, after accepting a designation by the parties, a neutral learns any previously undisclosed information that could reasonably suggest a conflict of interest, the neutral must promptly disclose the information to the participants. After the neutral's disclosure, the ADR may proceed if all parties agree to continued service by the neutral.

(4) Notwithstanding the agreement of the parties to waive a conflict of interest, a neutral must withdraw from or decline a designation in a case if the neutral determines that an actual or potential conflict of interest may undermine the integrity of the mediation or early neutral evaluation.

(5) Any party who believes that an assigned neutral has a conflict of interest may request the neutral to recuse. If the neutral declines, the party may file a motion for disqualification of the neutral within five (5) days after learning the basis for disqualification. Failure to timely file a motion will waive the objection.

(E) Unavailability of Neutral. A neutral who cannot serve within the period of referral must notify lead counsel who will arrange for selection of a different neutral by agreement of the parties or by the Clerk.

(Amended October 1, 2001, effective November 1, 2001; Amended February 10, 2004, effective March 12, 2004; Amended July 10, 2006, effective August 28, 2006; Amended April 6, 2009, effective May 11, 2009; Amended July 9, 2010, effective August 16, 2010; Amended September 5, 2013, effective January 1, 2014; Amended November 5, 2014, effective December 15, 2014; Amended September 7, 2016, effective December 1, 2016; Amended January 3, 2018, effective March 1, 2018; Amended October 2, 2019, effective November 1, 2019; Amended July 7, 2021, effective September 1, 2021; Amended December 14, 2022, effective March 1, 2023; Amended October 1, 2025, effective December 15, 2025).

XII. ATTORNEYS

Rule12.01 (FRCP 83) Attorney Admission.

(A) Roll of Attorneys.

The bar of this Court consists of those attorneys who have been granted admission upon satisfaction of the requirements for admission to practice before this Court prescribed by the rules in force at the time of their application for admission. Except as otherwise provided in this rule, only attorneys enrolled pursuant to the rules of this Court or duly admitted pro hac vice may file pleadings, appear, or practice in this Court.

Nothing in these rules is intended to prohibit any individual from appearing personally on his or her own behalf. An attorney admitted to practice in another Federal District Court or licensed by any state to practice law may appear and represent the United States or the State of Missouri, or any of their respective departments or agencies, without general admission to the bar of this Court. Admission to the bar of this Court is not required in order to file or appear in a miscellaneous case, to appear in a case transferred to this Court pursuant to 28 U.S.C. § 1407 on an order of the Judicial Panel on Multidistrict Litigation, or in any other case transferred from another District Court on an order of that District Court.

(B) Qualifications for Admission.

An attorney of good moral character who holds a license to practice law from, and who is a member in good standing of the bar of, the highest court of any state or the District of Columbia may apply for admission to the bar of this Court.

(C) Procedure for Admission.

A candidate for admission to the bar must submit an electronic application through the attorney's PACER account. In addition to the completed application, the applicant must submit: (1) a current certificate of good standing from the highest court of the state of the applicant's primary practice (i.e., one dated within sixty (60) days of date of the application); and (2) the prescribed application fee. Applicants who attend this Court's biannual admission ceremony in Jefferson City and are admitted to the Missouri Bar on the same day as this Court's ceremony are not required to submit a current certificate of good standing from the Supreme Court of Missouri.

If the Court determines that an investigation of an applicant's character and fitness is necessary, a member of the bar of the Eastern District of Missouri may be appointed by

the Chief Judge to conduct an examination of the applicant's background and report written findings to the Court. An attorney appointed for this purpose will be compensated from the Attorney Admission Fee Non-Appropriated Fund at a reasonable hourly rate, provided that total compensation may not exceed $2,500.00 plus actual expenses. Each completed application will be examined by the Clerk of Court for satisfactory evidence of compliance with these rules. The Clerk is authorized to approve an application for admission that satisfies these requirements. Upon approval of an application for admission, the attorney must take an oath or affirmation administered by a district, magistrate or bankruptcy judge of this Court. For good cause, the oath may be administered via telephone, videoconference or other electronic means. Admission to the bar of any division will constitute admission to practice in all divisions of the Court, including the Bankruptcy Court.

(D) Admission of Government Attorneys.

An attorney representing the United States, the State of Missouri or another State, or any of their respective departments, officials or agencies may apply for special Government Counsel limited admission to the bar of this Court. The applicant must be a member in good standing of the bar of the highest Court of any State or the District of Columbia. A candidate for limited admission under this rule must submit electronically a verified application through the attorney's PACER account. The applicant must submit a letter written on the employing government agency's letterhead containing a statement signed by the agency executive indicating the applicant's name, title, and current employment status. Letters must be emailed to the Attorney Admissions Department of the Clerk's Office at Attorney_Admissions@moed.uscourts.gov.

(E) Renewal of Membership.

The roll of attorneys admitted to practice before this Court will be renewed quadrennially commencing after 1999. A renewal registration must be submitted to the Clerk by every member of the bar on or before the thirty-first day of January of each renewal year. Each renewal registration must be accompanied by a fee in an amount set by order of the Court at least ninety days prior to each registration period. The Clerk will publish notice or otherwise inform the bar of the renewal requirement and the fee at least sixty days before the deadline for submitting such renewal registration.

The Clerk will deposit the renewal registration fees collected pursuant to this rule into the fund created by Local Rule 12.03, to be used for the purposes specified in that rule, and to defray the expenses of maintaining a current register of members of the bar of this Court.

An attorney who fails to submit the required renewal registration and pay the renewal fee will be provisionally removed from the roll of members in good standing, and the attorney's privilege to file pleadings, appear and practice in any division of the Eastern District of Missouri will be suspended. If no renewal registration is submitted within three (3) months of the delinquency, the name of the attorney will be permanently removed from the roll by order of the Court, without prejudice to a subsequent application for admission.

(F) Admission Pro Hac Vice.

An attorney who is not regularly admitted to the bar of this Court, but who is a member in good standing of the bar of the highest court of any state or the District of Columbia, may be admitted pro hac vice for the limited purpose of appearing in a specific pending action. Unless allowed by a judge for good cause, an attorney may not be granted admission pro hac vice if the applicant resides in the Eastern District of Missouri, is regularly employed in the Eastern District of Missouri, or is regularly engaged in the practice of law in the Eastern District of Missouri. A motion requesting admission pro hac vice must be verified and must include the name of the movant attorney, the address and telephone number of the movant, the name of the firm under which the movant practices, the name of the law school attended and the date of graduation, the movant's dates and places of admission to practice law; and a statement that the movant is in good standing in all bars in which he or she is a member, and that the movant does not reside in the Eastern District of Missouri, is not regularly employed in this district, and is not regularly engaged in the practice of law in this district. The movant attorney must include as an attachment to the motion for admission pro hac vice a current certificate of good standing from the highest court of the state in which the attorney resides or is regularly employed as an attorney, or other proof of good standing satisfactory to the Court. The motion must be filed with the Clerk of the District Court or with the Clerk of the Bankruptcy Court, as appropriate, where the action is pending, with payment of the prescribed fee. If the attorney has not previously been granted e-filing access in this district, the attorney must request access through an Individual PACER account. Once e-filing access has been activated by the Court, all subsequent documents submitted to the Court by that attorney must be filed electronically,

including the motion for pro hac vice admission and any subsequent motion for pro hac vice admission. Attorneys not admitted to this Court who appear in a miscellaneous case, in a case transferred to this Court pursuant to 28 U.S.C. § 1407 on an order of the Judicial Panel on Multidistrict Litigation, or in any other case transferred from another District Court on an order of that District Court, must request e-filing access through an Individual PACER account in the same manner as described above for attorneys seeking admission pro hac vice.

(G) Duty to Report Contact Information.

Attorneys admitted to practice under this rule have a continuing duty to promptly notify the Clerk of any change of name, business address, telephone number, or e-mail address. Changes must be submitted to the Court through the attorney's PACER account.

(H) Registration Number.

The registration number for each attorney granted regular admission to the bar of this Court will be the attorney's state bar number followed by the two-letter abbreviation of the applicable state; e.g., #12345MO. This registration number must be included in the attorney's signature block on every filing in this Court.

(I) Court Appointed Representation.

All attorneys who are members in good standing of the bar of this Court will be required to represent without compensation indigent parties in civil matters when so ordered by a judge of this Court, and to accept appointments by a judge to represent indigent criminal defendants under the Criminal Justice Act unless exempt by rule or statute, except when such representation would create a conflict of interest. Statutory fees and expenses may be awarded as provided by law to an attorney appointed under this rule.

A self-represented litigant who receives appointed counsel in a civil matter will, absent extraordinary circumstances, not be entitled to the services of substitute or other appointed attorneys. If a self-represented litigant in a civil matter discharges an appointed attorney or requests for appointment of other counsel, the Court will inform the self-represented litigant of the provisions of this subsection of this rule before authorizing the appointed attorney to withdraw as counsel of record.

For each of the divisions of this Court, the Court may designate mentor attorneys who will be available to assist and advise appointed counsel. The involvement of a mentor

attorney shall not create an attorney-client relationship between that mentor attorney and the client of the appointed attorney.

An attorney appointed in a civil matter will not be required to represent another self-represented litigant in another civil matter during the pendency of the civil matter and for a period of at least one year after final disposition of the civil matter before the Court. Compensation of the attorney appointed in a civil matter under this rule may be sought under Local Rule 12.03 (FRCP 83), Local Rule 12.06 (FRCP 83), any other applicable rule of the Court, or any other provision of law.

(Amendment to Paragraph (D) adopted October 2, 1999, effective December 1, 2000; Amendment to Paragraph (C) adopted July 9, 2004, effective August 16, 2004; Amended July 10, 2006, effective August 28, 2006; Amendment to Paragraph (A) adopted April 9, 2007, effective May 14, 2007; Amendment to Paragraph (E) adopted November 21, 2008, effective January 1, 2009; Amendment to Paragraph (D) adopted May 7, 2010, effective June 15, 2010; Amended June 15, 2012, effective August 1, 2012; Amended November 5, 2014, effective December 15, 2014; Amended November 4, 2015, effective January 1, 2016; Amended September 7, 2016, effective December 1, 2016.; Amended October 2, 2019, effective November 1, 2019; Amended December 14, 2022, effective March 1, 2023; Amended October 1, 2025, effective December 15, 2025)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

PATENT RULES

1. SCOPE OF RULES

1-1 Title.

These are the Rules of Practice for Patent Cases pending in the United States District Court for the Eastern District of Missouri. They should be cited as "Local Patent R. -."

1-2 Scope and Construction.

(a) Utility Patents. These rules apply to all civil actions filed in or transferred to this Court which allege infringement of a utility patent in a complaint, counterclaim, cross-claim or third-party claim, or which seek a declaratory judgment that a utility patent is not infringed, is invalid or is unenforceable. The Court may accelerate, extend, eliminate, or modify the obligations or deadlines set forth in these Local Patent Rules based on the circumstances of any particular case. The Local Rules of this Court shall also apply to these actions, except to the extent they are inconsistent with these Local Patent Rules.

(b) Design Patents. These rules do not specifically apply to civil actions filed in or transferred to this Court that allege infringement of a design patent. The parties in a design-parent case may, however, consider whether some or all of the below Local Patent Rules should be adopted to address infringement contentions, invalidity contentions, or claim construction matters in these cases. These considerations shall be addressed by the parties when they confer pursuant to Fed. R. Civ. P. 26(f) and raised with the Court at the Rule 16 Scheduling Conference.

1-3 Effective Date.

These Local Patent Rules take effect on December 15, 2025. They govern patent cases filed on or after that date. For actions pending before December 15, 2025, the provisions of the prior version of the Local Patent Rules shall apply, unless the Court orders otherwise.

2. GENERAL PROVISIONS

2-1 Governing Procedure.

Rule 16 Scheduling Conference. When the parties confer pursuant to Fed. R. Civ. P. 26(f), in addition to the matters covered by Rule 26, the parties must discuss and address the following topics in the Joint Proposed Scheduling Plan filed pursuant to Fed. R. Civ. P. 26(f):

(a) Any proposed modification of the deadlines provided for in the Local Patent Rules, and the effect of any such modification on the date and time of any claim construction hearing;

(b) Whether the Court will hold a claim construction hearing and, if so, whether it will receive live testimony, deposition testimony, or other evidence at the hearing;

(c) If applicable, the scheduling of any claim construction prehearing conference to be held after the Joint Claim Construction Chart and Joint Prehearing Statement provided for in Local Patent R. 4-3 has been filed;

(d) The need for and any specific limits on discovery relating to claim construction, including depositions of fact witnesses and expert witnesses;

(e) Whether discovery should be conducted in stages, for example, whether only claim construction discovery should be taken before the Court's Claim Construction Ruling or whether discovery should otherwise be limited before such a ruling;

(f) Whether the parties should provide a tutorial to the Court concerning the technology at issue, including whether any such tutorial should be provided before any claim construction hearing; and

(g) The content of any protective order that should govern the case, including whether the Court's Form Protective Order (Appendix A) should be

adopted in whole or in part; and what, if any, disputes exist regarding the final content of any such protective order.

2-2 Confidentiality.

If any document or information produced is deemed confidential by the producing party and if the Court has not entered a protective order, the producing party shall mark the document Confidential-Outside Attorneys' Eyes Only and, until such time as the Court enters a protective order, disclosure of the confidential document or information shall be limited to each party's outside attorney(s) of record, the employees of such outside attorney(s), and necessary outside document services, unless the parties agree to the contrary. Person(s) receiving confidential documents or information under this rule shall keep the documents and information confidential and use them only for purposes related to the case.

2-3 Relationship to Federal Rules of Civil Procedure.

Except as provided in this paragraph or as otherwise ordered, it shall not be a legitimate ground for objecting to an opposing party's discovery request (e.g., interrogatory, document request, request for admission, deposition question) or declining to provide information otherwise required to be disclosed under Fed. R. Civ. P. 26, that the discovery request or disclosure requirement is premature in light of, or otherwise conflicts with, these Local Patent Rules. A party may object, however, to responding to the following categories of discovery requests on the ground that they are premature in light of the timetable provided in these Local Patent Rules:

(a) Requests seeking to elicit a party's claim construction position;

(b) Requests seeking to elicit from a party claiming patent infringement ("Patent Claimant") a comparison of the asserted claims and the accused apparatus, product, device, process, method, act, or other instrumentality;

(c) Requests seeking to elicit from a party opposing a claim of patent infringement ("Alleged Infringer") a comparison of the asserted claims and the prior art, or invalidity contentions; and

(d) Requests seeking to elicit from an Alleged Infringer the identification of any opinions of counsel and related documents that it intends to rely upon as a defense to an allegation of willful infringement.

If a party properly objects to a discovery request as set forth in this subsection 2-3, that party shall provide the requested information on the date on which it is required to provide the requested information to an opposing party under these Local Patent Rules, unless there exists another legitimate ground for objection.

2-4 Certification of Disclosures.

All statements, disclosures, or charts filed or served in accordance with these Local Patent Rules shall be dated and signed by counsel of record (or by the party if unrepresented by counsel) and are subject to the requirements of Federal Rules of Civil Procedure 11 and 26(g).

3. PATENT INITIAL DISCLOSURES

3-1. Disclosure of Asserted Claims and Preliminary Infringement Contentions.

(a) Not later than 21 days after the initial Rule 16 Scheduling Conference, a Patent Claimant must serve on all parties a Disclosure of Asserted Claims and Preliminary Infringement Contentions. Separately for each Alleged Infringer, the Disclosure of Asserted Claims and Preliminary Infringement Contentions shall contain the following information:

(i) Each claim of each patent-in-suit that is allegedly infringed by each Alleged Infringer;

(ii) Separately for each asserted claim, a specific identification of each accused apparatus, product, device, process, method, act, or other instrumentality ("Accused Instrumentality") of each Alleged Infringer of which the party is aware. Each product, device, and apparatus must be identified by name or model number, if known. Each method or process must be identified by name, if known, or by any product, device, or apparatus which, when used, allegedly results in the practice of the claimed method or process;

(iii) A chart identifying specifically where each element of each asserted claim is found within each Accused Instrumentality, including for each element that such party contends is governed by 35 U.S.C. § 112(f), the identity of the structure(s), act(s), or material(s) in the Accused Instrumentality that performs the claimed function;

(iv) Whether each element of each asserted claim is claimed to be literally present or present under the doctrine of equivalents in the Accused Instrumentality. For any claim under the doctrine of equivalents, the Patent Claimant must provide a preliminary identification of each function, way, and result that is allegedly equivalent and why any differences are not substantial;

(v) For each claim that is alleged to be indirectly infringed, an identification of any direct infringement and a description of the acts of the alleged indirect infringer that contribute to or are inducing that direct infringement. If the alleged direct infringement is based on joint acts of multiple parties, the role of each such party in the direct infringement must be described;

(vi) Whether the asserted patent(s) is subject to the America Invents Act ("AIA") or the pre-AIA patent statute. For any patent subject to the AIA, Patent Claimant must identify the earliest effective filing date to which each asserted claim is allegedly entitled and the basis for this date. For any patent subject to the pre-AIA patent statute, the Patent Claimant must identify the priority date to which each asserted claim allegedly is entitled and the basis for this date;

(vii) If a Patent Claimant wishes to preserve the right to rely, for any purpose, on the assertion that its own apparatus, product, device, process, method, act, or other instrumentality practices the claimed invention, it must identify and produce documents sufficient to show, separately for each asserted claim, each such apparatus, product, device, process, method, act, or other instrumentality that incorporates or reflects that particular claim; and

(viii) In patent cases arising under 21 U.S.C. § 355, at or before the initial Rule 16 Scheduling Conference, the Alleged Infringer shall produce to the Patent Claimant the entire Abbreviated New Drug Application or New Drug Application that is the basis of the case. The Court recognizes that, in cases brought under 21 U.S.C. § 355, scheduling and sequencing provisions distinct from those set forth in these Local Patent Rules may be appropriate.

(b) Not later than 28 days after service upon it of documents accompanying the Preliminary Invalidity Contentions pursuant to Rule 3-4 below, a Patent Claimant may amend its Disclosure of Asserted Claims and Preliminary Infringement Contentions if the Patent Claimant believes in good faith that the documents produced by the Alleged Infringer necessitate such an amendment. The Patent Claimant shall serve on the Alleged Infringer a Notice of Amended Preliminary Infringement Contentions, including a statement of reasons why the Patent Claimant believes such amendment is warranted under this subsection.

3-2. Document Production Accompanying Disclosure of Asserted Claims and Preliminary Infringement Contentions.

With the Disclosure of Asserted Claims and Preliminary Infringement Contentions, the Patent Claimant must produce to each Alleged Infringer or make available for inspection and copying:

(a) Documents (*e.g.,* contracts, purchase orders, invoices, advertisements, marketing materials, offer letters, beta site testing agreements, and third party or joint development agreements) sufficient to evidence any disclosure, offer to sell, or sale of any item embodying, practicing, or resulting from the practice of the claimed invention before the date of application for the patent(s)-in-suit or any date identified pursuant to Local Patent R. 3-1(vi), whichever is earlier. A party's production of a document as required herein shall not constitute an admission that such document evidences or is prior art under 35 U.S.C. § 102;

(b) With respect to patents that are not governed by the AIA, but instead are governed by the pre-AIA patent statute, documents evidencing the priority date identified pursuant to Local Patent R. 3-1(vi); and

(c) A copy of the file history for each patent-in-suit;

(d) All documents concerning ownership of the patent rights by the Patent Claimant, including documents sufficient to evidence the chain of title of the patent(s)-in-suit;

(e) Copies of any patent license or any other agreement purporting to transfer rights relating to the patent(s)-in-suit;

(f) If a Patent Claimant identifies instrumentalities under Local Patent R. 3-1(a)(vii), documents sufficient to show (i) the operation of any aspects or elements of each such instrumentality and (ii) the marking of such instrumentalities under 35 U.S.C. § 287(a); and

(g) All documents comprising or reflecting a F/RAND commitment or agreement with respect to the patent(s)-in-suit. The Patent Claimant shall separately identify by production number which documents correspond to each of the above categories. The Patent Claimant shall timely supplement document production under this Local Patent R. 3-2 as required by the Federal Rules of Civil Procedure; however, the act of supplementation does not of itself permit amendment of the Patent Claimant's Disclosure of Asserted Claims and Preliminary Infringement Contentions, which amendment shall instead be governed by Local Patent R. 3-1(b) and 3-6(a).

3-3. Preliminary Invalidity Contentions.

Not later than 49 days after service upon it of the Disclosure of Asserted Claims and Preliminary Infringement Contentions, each Alleged Infringer shall serve on all parties its Preliminary Invalidity Contentions, which must contain the following information:

(a) The identity of each item of prior art, including patents, printed publications, prior public use, and prior on sale activity, that allegedly anticipate(s) each asserted claim or render(s) it obvious. Each prior art patent shall be identified by its number, country of origin, and date of issuance. Each prior art publication must be identified by its title, date of publication, and

where feasible, author and publisher. Each alleged sale or public use shall be identified by specifying the item offered for sale or publicly used or known, the date the offer or use took place or the information became known, and the identity of the person or entity which made the use or which made and received the offer, or the person or entity which made the information known or to whom it was made known. For pre-AIA claims, prior art under 35 U.S.C. § 102(f) shall be identified by providing the name of the person(s) from whom and the circumstances under which the invention or any part of it was derived. For pre-AIA claims, prior art under 35 U.S.C. § 102(g) shall be identified by providing the identity of the person(s) or entities involved in and the circumstances surrounding the making of the invention before the patent applicant(s);

(b) On a claim-by-claim basis, whether each item of prior art anticipates each asserted claim or renders it obvious. If a combination of items of prior art makes a claim obvious, each such combination, and the basis for such allegation, must be identified;

(c) A chart identifying where specifically in each alleged item of prior art each element of each asserted claim is found, including for each element that such party contends is governed by 35 U.S.C. § 112(f), the identity of the structure(s), act(s), or material(s) in each item of prior art that performs the claimed function; and

(d) Any grounds of invalidity based on 35 U.S.C. § 101, indefiniteness under 35 U.S.C. § 112(b) or enablement or written description under 35 U.S.C. § 112(a) of any of the asserted claims.

3-4. Document Production Accompanying Preliminary Invalidity Contentions.

With the Preliminary Invalidity Contentions, the Alleged Infringer must produce or make available for inspection and copying:

(a) Source code, specifications, schematics, flow charts, artwork, formulas, or other documentation sufficient to show the operation of any aspects or

elements of an Accused Instrumentality identified by the Patent Claimant in its Local Patent R. 3-1(a)(iii) chart. If the Patent Claimant contends that compliance with this section requires the production of particular documentation (e.g., source code), the Alleged Infringer may request, and the Patent Claimant is obliged to produce, the same information as to any apparatus, product, device, process, method, act or other instrumentality that it has identified pursuant to Local Patent R. 3-1(a)(vii), above; and

(b) A copy of each item of prior art identified pursuant to Local Patent R. 3-3(a) which does not appear in the file history of the patent(s) at issue. To the extent any such item is not in English, an English translation of the portion(s) relied upon must be produced; and

(c) Documents sufficient to show the gross sales revenue and number of units sold in the United States for each Accused Instrumentality for the six (6) year period preceding the filing of the complaint or, if shorter, (b) from the date of issuance of the asserted patent(s).

(d) The Alleged Infringer shall timely supplement document production under this Local Patent R. 3-4 as required by the Federal Rules of Civil Procedure; however, the act of supplementation does not of itself permit amendment of the Alleged Infringer's Preliminary Invalidity Contentions, which amendment shall instead be governed by Local Patent R. 3-6(a) and (b).

3-5. Disclosure Requirement in Patent Cases for Declaratory Judgment.

(a) Invalidity Contentions If No Claim of Infringement. In all cases in which a party files a complaint or other pleading seeking a declaratory judgment that a patent is not infringed, is invalid, or is unenforceable, Local Patent R. 3-1 and 3-2 shall not apply unless and until a claim for patent infringement is made by a party. If the defendant in such a declaratory judgment lawsuit does not assert a claim for patent infringement in responding to the complaint, no later than 14 days after the defendant serves its answer, or 14 days after the initial Rule 16 Scheduling Conference, whichever is later, the party seeking a declaratory judgment of

invalidity (on that basis alone or among other bases) must serve upon each opposing party its Preliminary Invalidity Contentions that conform to Local Patent R. 3-3 and produce or make available for inspection and copying the documents described in Local Patent R. 3-4. The parties shall meet and confer within 14 days of service of the Preliminary Invalidity Contentions for the purpose of determining the date on which the plaintiff will file its Final Invalidity Contentions, which shall be no later than 49 days after filing by the Court of its Claim Construction Ruling.

(b) Inapplicability of Rule. This Local Patent R. 3-5 shall not apply to cases in which a request for a declaratory judgment that a patent is not infringed, is invalid, or is unenforceable is filed in response to a claim alleging infringement of the same patent.

3-6. Final Contentions.

The Disclosure of Asserted Claims and Preliminary Infringement Contentions and Preliminary Invalidity Contentions shall be deemed to be that party's final contentions, except as set forth below.

(a) If a Patent Claimant believes in good faith that the Court's Claim Construction Ruling necessitates a modification of its preliminary position, that party may serve Final Infringement Contentions without leave of Court that amend its Disclosure of Asserted Claims and Preliminary Infringement Contentions with respect to the information required by Local Patent R. 3-1(a)(iii), (iv) and (v). The Patent Claimant may seek leave of Court, for good cause shown, to assert infringement with respect to an Accused Instrumentality not disclosed in the Disclosure of Asserted Claims and Preliminary Infringement Contentions. Any Final Infringement Contentions must be served no later than 28 days after the Court files its Claim Construction Ruling.

(b) Not later than 49 days after the Court files its Claim Construction Ruling, each Alleged Infringer may serve Final Invalidity Contentions without leave of Court that amend its Preliminary Invalidity Contentions with respect to the information required by Local Patent R. 3-3 if: (i) a Patent Claimant has served Final Infringement Contentions pursuant to Local Patent R. 3-6(a), or (ii) the Alleged Infringer believes in good faith that the Court's Claim Construction

Ruling necessitates a modification of its preliminary position. Leave of Court upon good cause shown is required to the extent the Alleged Infringer seeks to rely on prior art not disclosed in the Preliminary Invalidity Contentions.

3-7. Amendment to Contentions

Amendment or modification of (i) the Disclosure of Asserted Claims and Preliminary Infringement Contentions or the Preliminary Invalidity Contentions (other than as expressly permitted by Local Patent R. 3-1(b) or 3-6, above), or (ii) the Final Infringement Contentions or the Final Invalidity Contentions, may only be made by order of the Court, upon a showing of good cause. The application for amendment shall disclose whether the adverse party consents or objects.

3-8. Willfulness. Not later than 49 days after filing by the Court of its Claim Construction Ruling, each Alleged Infringer that will rely on an opinion of counsel as part of a defense to a claim of willful infringement shall:

(a) Produce or make available for inspection and copying the opinion(s) and any other documents relating to the opinion(s) as to which the attorney-client privilege or work product rule has been waived;

(b) Detail in writing any oral advice and produce or make available for inspection and copying documents related thereto for which the attorney-client privilege or work product rule has been waived; and

(c) Serve a privilege log identifying any other documents, except those authored by counsel who has acted solely as litigation counsel, relating to the subject matter of the opinion(s) which the party is withholding on the grounds of attorney-client privilege or work product rule.

An Alleged Infringer that does not comply with the requirements of this Rule shall not be permitted to rely on an opinion of counsel as part of a defense to willful infringement, (i) absent a stipulation of all parties, or (ii) by order of the Court, which shall be entered only upon a showing of good cause.

4. CLAIM CONSTRUCTION PROCEEDINGS

4-1. Exchange of Proposed Terms and Claim Elements for Construction.

(a) Not later than 42 days after service of the Preliminary Invalidity Contentions pursuant to Local Patent R. 3-3, the parties shall simultaneously exchange Proposed Terms and Claim Elements for Construction, which shall include (i) a list of claim terms, phrases, or clauses which that party contends should be construed by the Court, and (ii) the identification of any claim element which that party contends should be governed by 35 U.S.C. § 112(6).

(b) Within 7 days thereafter, the parties shall meet and confer in good faith for the purpose of narrowing the claim terms to be construed, narrowing or resolving differences, and facilitating the ultimate preparation of a Joint Claim Construction Chart and Joint Prehearing Statement, as set forth in Subsection 4-3, below.

4-2. Exchange of Preliminary Claim Constructions and Extrinsic Evidence.

(a) Not later than 21 days after the exchange of Proposed Terms and Claim Elements for Construction pursuant to Local Patent R. 4-14-1, the parties shall simultaneously exchange a preliminary proposed construction ("Preliminary Claim Construction") that shall address each claim term, phrase, or clause that the parties have identified for claim construction purposes. Each such Preliminary Claim Construction shall also, for each element which any party contends is governed by 35 U. S. C. § 112(6), specifically identify the asserted function and shall also identify by column: line number and specific description, the structure(s), act(s), or material(s) corresponding to that element.

(b) At the same time the parties exchange their respective Preliminary Claim Constructions, they shall each also provide a preliminary identification of extrinsic evidence, including without limitation, dictionary definitions, citations to learned

treatises and prior art, and testimony of fact and expert witnesses they intend to advance in support of their respective claim constructions. The parties shall identify each such item of extrinsic evidence by production number or produce a copy of any such item not previously produced. With respect to any such witness -- fact or expert -- the parties shall also provide a brief description of the substance of that witness' proposed testimony. A party may identify a fact or expert witness within 30 days of the opposing party's identification of a fact or expert witness under this subparagraph 4-2(b) with an accompanying brief description of proposed testimony referenced immediately above. Final expert reports shall accompany the Joint Prehearing Statement described in subparagraph 4-3(b), below.

(c) Within 7 days thereafter, the parties shall meet and confer in good faith to discuss, among other topics, each of the claim elements the parties have identified in their Proposed Terms and Claim Elements for Construction, for the purpose of narrowing the issues and preparing a Joint Claim Construction Chart and Joint Prehearing Statement, as set forth in Local Patent R. 4-3, below.

4-3. Joint Claim Construction Chart and Joint Prehearing Statement.

Unless the Court has ordered that no claim construction hearing will be held, the parties shall, not later than 49 days after the exchange of the Proposed Terms and Claim Elements for Construction pursuant to Local Patent R. 4-1, complete and file a Joint Claim Construction Chart and Joint Prehearing Statement, which shall contain the following information:

(a) The Joint Claim Construction Chart shall be in the format set forth in Appendix B, containing: (i) a column listing complete language of disputed claims with the disputed terms in bold type and separate columns for each party's proposed construction of each disputed term; (ii) a column to be used for indicating whether the parties agree on the claim construction for a disputed term; and (iii) a column for each party's proposed construction of each disputed claim term, phrase, or clause, including all references from the specification or prosecution history that support that construction, and identifying any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction of

the claim or to oppose any party's proposed construction of the claim, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises, and prior art, and testimony of percipient and expert witnesses**.**

(b) The Joint Prehearing Statement must set forth: (i) the anticipated length of time necessary for a claim construction hearing; (ii) whether any party proposes to call any witnesses, including experts, at the claim construction hearing, (iii) the identity of each such witness, (iv) for each witness, a summary of anticipated testimony in sufficient detail to permit a meaningful deposition of that witness and, as to witnesses who may present evidence under Fed. R. Evid. 702, 703 or 705, a report complying with the provisions of Fed. R. Civ. P. 26(a)(2)(B); (v) the order of presentation at the claim construction hearing; and (vi) a list of any other issues which might appropriately be taken up at a prehearing conference prior to the claim construction hearing, and proposed dates, if not previously set, for any such prehearing conference.

4-4. Completion of Claim Construction Discovery.

Not later than 28 days after service and filing of the Joint Claim Construction Chart and Joint Prehearing Statement, the parties shall complete all discovery relating to claim construction, including any depositions with respect to claim construction of any witnesses, including experts, identified in the Joint Claim Construction Chart and Joint Prehearing Statement.

4-5 Claim Construction Briefs

(a) Not later than 49 days after serving and filing the Joint Claim Construction Chart and Joint Prehearing Statement, each party shall serve and file a motion for claim construction, a memorandum in support, and any evidence supporting its claim construction.

(b) Not later than 14 days after service upon it of a motion for claim construction, each party shall serve and file its responsive memorandum and supporting evidence.

Amended October 1, 2025, effective December 15, 2025.