

EXHIBIT 9

Patent Local Rules

Last revised: November 4, 2020

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1. [SCOPE OF RULES](#)
2. [GENERAL PROVISIONS](#)
3. [PATENT DISCLOSURES](#)
4. [CLAIM CONSTRUCTION PROCEEDINGS](#)

1. SCOPE OF RULES

1-1. Title

These are the Local Rules of Practice for Patent Cases before the United States District Court for the District of California. They should be cited as “Patent L.R. ____.”

1-2. Scope and Construction

Also available:
[Northern District’s Model Patent
Instructions](#)

These rules apply to all civil actions filed in or transferred to this Court which allege infringement of a 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 Civil Local Rules of this Court shall apply to such actions, except to the extent that they are inconsistent with these Patent Local Rules. If the parties in a case do not trigger the application of these Patent Local Rules under the terms set forth in these rules, the parties shall, as soon as such circumstances become known, meet and confer for the purpose of agreeing to the application of these Patent Local Rules to the case and promptly report the results of the meet and confer to the Court.

1-3. Modification of these Rules

The Court may modify the obligations or deadlines set forth in these Patent Local Rules based on the circumstances of any particular case, including, without limitation, the simplicity or complexity of the case as shown by the patents, claims, products, or parties involved. Such modifications shall, in most cases, be made at the initial case management conference, but may be made at other times upon a showing of good cause. In advance of submission of any request for a modification, the parties shall meet and confer for the purpose of reaching an agreement, if possible, upon any modification.

1-4. Effective Date

These Patent Local Rules take effect on December 1, 2009. They govern patent cases filed on or after December 1, 2009. For actions pending prior to December 1, 2009, the provisions of the Patent Local Rules that were in effect on November 30, 2009, shall apply, except that the time periods for actions pending before December 1, 2009 shall be those set forth in and computed as in the Federal Rules of Civil Procedure and the Patent Local Rules.

[Back to top](#)

2. GENERAL PROVISIONS

2-1. Governing Procedure

(a) Notice of Pendency of Other Action Involving Same Patent.

- (1) When actions concerning the same patent are filed within two years of each other by the same plaintiff, they will be deemed related.
- (2) Whenever a party knows or learns that actions concerning the same patent have been filed within two years of each other by the same plaintiff, the party must promptly file in each such action a Notice of Pendency of Other Action Involving Same Patent.
- (3) Pursuant to the Assignment Plan, the Clerk will reassign the related higher-numbered cases to the Judge assigned to the lowest-numbered case and will file the appropriate notification on the docket of each reassigned case.
- (4) If the Judge determines that the reassignment is not in compliance with subsection (3), the Judge may refer the matter to the Executive Committee for resolution.
- (5) Even if a case is not deemed related to a pending case pursuant to this rule, a party may file a related case determination pursuant to Civil L.R. 3-12.
- (6) If the lowest-numbered case is assigned to a magistrate judge to whom the parties have consented to preside over the action, the magistrate judge will retain that case even if it is not entered in higher-numbered cases deemed related pursuant to subsection (1).

(b) Initial Case Management Conference. When the parties confer pursuant to Fed. R. Civ. P. 26(f), the matters covered by Fed. R. Civ. P. 26, the parties shall discuss and address in the Case Management Conference filed pursuant to Fed. R. Civ. P. 26(f) and Civil L.R. 16-9, the following topics:

- (1) Proposed modification of the obligations or deadlines set forth in these Patent Local Rules.

- (2) The scope and timing of any claim construction discovery including disclosure of and discovery of any expert witness permitted by the court;
- (3) The format of the Claim Construction Hearing, including whether the Court will hear live testimony, the order of presentation, and the estimated length of the hearing; and
- (4) How the parties intend to educate the court on the technology at issue.
- (5) The parties shall provide the court with a non-binding, good-faith estimate of the damages expected for the case along with an explanation for the estimates. If either party is unable to provide such information, that party shall explain why it cannot and what specific information it can do so. Such party shall also state the time by which it should be in a position to provide an estimate and explanation.

2-2. Confidentiality

Discovery cannot be withheld on the basis of confidentiality absent Court order. The Protective Order by the Northern District of California shall govern discovery unless the Court enters a different protective order. The approved Protective Order can be found on the Court's website.

2-3. Certification of Disclosures

All statements, disclosures, or charts filed or served in accordance with these Patent Local Rules shall be signed by counsel of record. Counsel's signature shall constitute a certification that to the best of their knowledge, information, and belief, formed after an inquiry that is reasonable under the circumstances, the information contained in the statement, disclosure, or chart is complete and correct at the time it is filed.

2-4. Admissibility of Disclosures

Statements, disclosures, or charts governed by these Patent Local Rules are admissible to the extent they are relevant and material to the issues in the case.

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