

PRACTICE POINTERS

Contacting Chambers

The Court permits counsel to contact chambers personnel for assistance. However, the Court admonishes counsel to read all orders provided in the case, the local rules, and information provided on this website before contacting chambers. The Court wants chambers personnel to be available to assist counsel; however, unnecessary phone calls to chambers are discouraged.

Questions concerning scheduling matters in criminal and civil cases shall be directed to Lisa Hardwick. Questions concerning substantive matters in criminal or civil cases shall be directed to Judge Mitchell's Law Clerk(s).

Courtroom Procedures

Counsel shall stand when addressing the Court. Further, when questioning witnesses or arguing to the Court or jury, counsel should do so from the podium and approach the witness stand or jury box only with the Court's permission.

Please stand when the jury enters or leaves the courtroom.

Motion Practice

Counsel are encouraged to make every effort to resolve discovery issues without the necessity of Court intervention. The Court looks with disfavor on discovery motions, unless they are of substantial import and the parties have worked diligently to resolve them by agreement.

Counsel are encouraged to use jump cites in cases cited to the Court and to provide specific citations to the record. Further, Counsel may request oral argument in their motion or response. Finally, the Court requests that the parties be judicious in their requests to exceed the page limits provided for in the local rules. In this Court, less is better.

Summary Judgment Letter Briefs

For patent cases, the Court requires that letter briefs requesting leave to file motions for summary judgment be submitted no later than 60 days prior to the deadline for filing dispositive motions (leave to file motions of summary judgment for indefiniteness must be made 55 days before the *Markman* hearing). Multiple letter briefs may be filed to address separate issues to be addressed on summary judgment; however, parties are limited to one letter brief per issue, *i.e.*, one letter brief for non-infringement, one letter brief for obviousness, one for indefiniteness, etc. Letter briefs shall adhere to the following guidelines:

- opening letter briefs and responses shall be no more than 5 pages;
- reply letter briefs shall be no more than 3 pages;
- single-spaced;
- filed in CM/ECF with the appropriate event code (located under Other Filings/Other Documents on the attorney's menu)
- contain a header referring to the case in which the letter brief is filed, as well as the general issue to be addressed in the letter (if the letter brief is in response or reply to a document in the docket, indicate it as such and refer to the Docket Number of the document).

The Court will not accept any exhibits attached to letter briefs.

Objections

Speaking objections are prohibited. Counsel should simply state the objection and the basis for the objection without argument, i.e., "Objection. Hearsay," or "Objection. Leading."