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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF)
PATENT PILOT PROGRAM) GENERAL ORDER NO. 19-10
(Supersedes General Order No. 11-11)

The judges of the Court having elected to participate in the national Patent Pilot Program established pursuant to Pub L. No. 111-349, 124 Stat. 3674, the Central District of California was designated as a participating Court on June 7, 2011, by the Director of the Administrative Office of the United States Courts. The Court's participation in the Patent Pilot Program ("Pilot Program" or "Program") shall be subject to the terms of this General Order.

I. DISTRICT JUDGES

1. A district judge of this Court who wishes to participate in the Program shall notify the Chief Judge, who shall designate judges to hear cases transferred to the Program ("Program Judges").

2. Any case filed on or after September 19, 2011, that presents one or more issues arising under any Act of Congress relating to patents or plant variety protection ("Patent Case") is eligible for transfer to the Pilot Program. If a newly filed Patent Case is assigned to a judge who is not participating in the Pilot Program, that judge may, within thirty days of the filing of the case, transfer it to the Pilot Program for

1 reassignment to one of the Program Judges under paragraph 3 of this General Order.
2 After thirty days, transfer to the Program may only be made upon application to the
3 Case Management and Assignment Committee. When a Patent Case is closed and the
4 identical case is refiled, the refiled case shall not be eligible for transfer to the Pilot
5 Program, unless the previously dismissed case had been transferred to the Patent Pilot
6 Program or was dismissed within the first thirty days after filing.

7 3. The Clerk of the Court shall establish a separate district-wide assignment
8 deck (the “Patent Pilot Program Deck”) for the reassignment of cases transferred to the
9 Pilot Program. The names of all Program Judges shall be placed in the Patent Pilot
10 Program Deck. When a case is transferred to the Pilot Program, the case shall be
11 designated a “Patent Pilot Program” case and shall be randomly reassigned to a
12 Program Judge from the Patent Pilot Program Deck. The transferor judge shall receive
13 one debit in the automated case assignment system (“ACAS”) and the Program Judge
14 to whom the case is transferred shall receive one credit in the ACAS. If a new patent
15 case is initially randomly assigned to a Program Judge, it shall be designated as a
16 “Patent Pilot Program” case, and the same card adjustments shall be made. Program
17 Judges shall also receive a credit in the Patent Pilot Program Deck for every Patent
18 Case to which they are assigned, whether directly through the ACAS or from the
19 Patent Pilot Program Deck.

20 4. A Program Judge may withdraw from the Pilot Program at any time by
21 notifying the Chief Judge and the Clerk of Court that the Program Judge’s name
22 should be removed from the Patent Pilot Program Deck. A judge who has withdrawn
23 from the Program may subsequently request redesignation as a Program Judge by
24 contacting the Chief Judge pursuant to paragraph I.1 of this General Order.

25 5. Program Judges may not decline to accept a case randomly assigned from
26 the Patent Pilot Program Deck on any basis other than recusal pursuant to 28 U.S.C. §
27 455, unless the Program Judge is a senior judge. A senior judge who is randomly
28 assigned a case from the Patent Pilot Program Deck may return that case to the Patent

1 Pilot Program Deck within thirty days for reassignment to another Program Judge.
2 Any Patent Case in which a Program Judge recuses him- or herself, or in which a
3 motion to disqualify a Program Judge is granted, shall be randomly reassigned from
4 the Patent Pilot Program Deck to another Program Judge. Any Program Judge who
5 recuses or is disqualified from a Patent Case shall receive one debit in the ACAS and
6 one debit in the Patent Pilot Program Deck. In the event every Program Judge recuses
7 or is disqualified from a case that has been transferred to the Program, that case will be
8 transferred out of the Program and back to the judge who originally transferred the
9 case to the Program, and that judge will receive one credit in the ACAS.

10 **II. MAGISTRATE JUDGES**

11 1. A magistrate judge of this Court who wishes to participate in the Program
12 should notify the Chief Magistrate Judge, who will designate magistrate judges to
13 serve as the “x” judge to handle all referred discovery-related matters in cases
14 designated as Patent Pilot Program cases (“Program Magistrate Judges”).

15 2. The Clerk of the Court shall establish a separate district-wide assignment
16 deck (the “Magistrate Judge Patent Pilot Program Deck”) for the reassignment of
17 Patent Pilot Program cases to a Program Magistrate Judge. The names of all Program
18 Magistrate Judges shall be placed in the Magistrate Judge Patent Pilot Program Deck.
19 When a case is designated as a Pilot Program case, the case shall be randomly
20 reassigned to a Program Magistrate Judge from the Magistrate Judge Patent Pilot
21 Program Deck, unless the magistrate judge to whom the case was already assigned is a
22 Program Magistrate Judge.

23 3. A district judge who is not a Program Judge and who elects to keep a
24 patent case may, if the assigned magistrate judge is not a Program Magistrate Judge,
25 request that a Program Magistrate Judge be assigned to the case as the discovery judge,
26 without transferring the case to the Patent Pilot Program. Upon such a request, the
27 case shall be randomly reassigned to a Program Magistrate Judge from the Magistrate
28 Judge Patent Pilot Program Deck.

1 4. If a district judge who is not a Program Judge elects to keep a patent case,
2 and the assigned magistrate judge is not a Program Magistrate Judge, the assigned
3 magistrate judge may request that a Program Magistrate Judge be assigned to the case
4 as the discovery judge. Upon such a request, the case shall be randomly reassigned to
5 a Program Magistrate Judge from the Magistrate Judge Patent Pilot Program Deck.

6 5. When a case is reassigned to a Program Magistrate Judge under this
7 General Order, the transferor magistrate judge shall receive one debit in the ACAS and
8 the Program Magistrate Judge to whom the case is transferred shall receive one credit
9 in the ACAS. Program Magistrate Judges shall also receive a credit in the Magistrate
10 Judge Patent Pilot Program Deck for every Patent Case to which they are assigned,
11 whether directly through the ACAS or from the Magistrate Judge Patent Pilot Program
12 Deck.

13 6. A Program Magistrate Judge may withdraw from the Pilot Program at any
14 time by notifying the Chief Magistrate Judge and the Clerk of Court that the Program
15 Magistrate Judge's name should be removed from the Magistrate Judge Patent Pilot
16 Program Deck. A magistrate judge who has withdrawn from the Program may
17 subsequently request redesignation as a Program Magistrate Judge by contacting the
18 Chief Magistrate Judge pursuant to paragraph II.1 of this General Order.

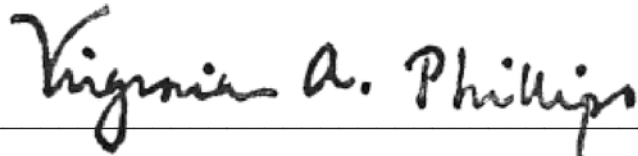
19 7. Program Magistrate Judges may not decline to accept a case randomly
20 assigned from the Magistrate Judge Patent Pilot Program Deck on any basis other than
21 recusal pursuant to 28 U.S.C. § 455. Any Patent Case in which a Program Magistrate
22 Judge recuses him- or herself, or in which a motion to disqualify a Program Magistrate
23 Judge is granted, shall be randomly reassigned from the Magistrate Judge Patent Pilot
24 Program Deck to another Program Magistrate Judge as the referral judge. Any
25 Program Magistrate Judge who recuses or is disqualified from a Patent Case shall
26 receive one debit in the ACAS and one debit in the Magistrate Judge Patent Pilot
27 Program Deck. In the event every Program Magistrate Judge recuses or is disqualified
28 from a case that has been transferred to the Program, that case will be reassigned back

1 to the magistrate judge who was assigned to the case immediately prior to the transfer
2 of the case to the Program, and that judge will receive one credit in the ACAS.

3 **III. TERMINATION DATE**

4 This General Order shall be effective upon filing by the Clerk. The Pilot
5 Program shall terminate on July 4, 2021, unless the Court votes to terminate its
6 participation in the Program at an earlier date.

7
8 IT IS SO ORDERED.



9
10 CHIEF UNITED STATES DISTRICT JUDGE

11
12 *Date of Approval by the Court:*

October 23, 2019

13
14 *Date of Filing by the Clerk:*

December 2, 2019