



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF)
)
PATENT PILOT PROGRAM) 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.

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").

1
2 2. Any case filed on or after September 19, 2011, that presents one or more
3 issues arising under any Act of Congress relating to patents or plant variety protection
4 (“Patent Case”) is eligible for transfer to the Pilot Program. If a newly filed Patent
5 Case is assigned to a judge who is not participating in the Pilot Program, that judge
6 may, within thirty days of the filing of the case, transfer it to the Pilot Program for
7 reassignment to one of the Program Judges under paragraph 3 of this General Order.
8 After thirty days, transfer to the Program may only be made upon application to the
9 Case Management and Assignment Committee. When a Patent Case is closed and the
10 identical case is refiled, the refiled case shall not be eligible for transfer to the Pilot
11 Program, unless the previously dismissed case had been transferred to the Patent Pilot
12 Program or was dismissed within the first thirty days after filing.

13
14 3. The Clerk of the Court shall establish a separate district-wide assignment
15 wheel (the “Patent Wheel”) for the reassignment of cases transferred to the Pilot
16 Program. The names of all Program Judges shall be placed in the Patent Wheel.
17 When a case is transferred to the Pilot Program, the case shall be randomly reassigned
18 to a Program Judge from the Patent Wheel. The transferor judge shall receive one
19 debit in the automated case assignment system (“ACAS”) and the Program Judge to
20 whom the case is transferred shall receive one credit in the ACAS. Program Judges
21 shall also receive a credit in the Patent Wheel for every Patent Case to which they are
22 assigned, whether directly through the ACAS or from the Patent Wheel.

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 A judge who has withdrawn from the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

1
2 5. Program Judges may not decline to accept a case randomly assigned
3 from the Patent Wheel on any basis other than recusal pursuant to 28 U.S.C. § 455,
4 unless the Program Judge is a senior judge. A senior judge who is randomly assigned
5 a case from the Patent Wheel may return that case to the Patent Wheel within thirty
6 days for reassignment to another Program Judge. Any Patent Case in which a
7 Program Judge recuses him- or herself, or in which a motion to disqualify a Program
8 Judge is granted, shall be randomly reassigned from the Patent Wheel to another
9 Program Judge. Any Program Judge who recuses or is disqualified from a Patent
10 Case shall receive one debit in the ACAS and one debit in the Patent Wheel. In the
11 event every Program Judge recuses or is disqualified from a case that has been
12 transferred to the Program, that case will be transferred out of the Program and back
13 to the judge who originally transferred the case to the Program, who will receive one
14 credit in the ACAS.

15
16 6. This General Order shall be effective upon filing by the Clerk. The Pilot
17 Program shall terminate on July 4, 2021, unless the Court votes to terminate its
18 participation in the Program at an earlier date.

19
20 IT IS SO ORDERED.

21 

22
23 CHIEF UNITED STATES DISTRICT JUDGE

24
25 Date of Approval by the Court: September 21, 2011

26
27 Date of Filing by the Clerk: September 23, 2011