

FILED

AUG 22 2011

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

In the matter of the Assignment)
of Patent and Plant Variety Protection)
Cases:) General Order No. 598
)
Amendment of Local Rules)
_____)

The judges of the Court have elected to participate in the Patent and Plant Variety Protection Pilot Project established pursuant to Pub. L. No. 111-349, 124 Stat. 3674, 28 U.S.C. § 137 (“Patent Pilot Project”). The Court’s participation in the Patent Pilot Project is subject to the statutorily promulgated procedures of the Patent Pilot Project, as well as the following:

1. A judge of this Court wishing to volunteer to participate in the Patent Pilot Project (“patent judge”) shall notify the chief judge.
2. Commencing on September 19, 2011, all newly filed patent and plant variety protection cases will initially be assigned randomly pursuant to Civil Local Rule 40.1(a).
3. Where a newly filed patent or plant variety protection case (other than a “false marking” case under 35 U.S.C. § 292) is randomly assigned to a judge who is not participating in the Patent Pilot Project (“non-participating judge”), the non-participating judge may, within twenty-eight (28) days of the filing of the case, decline the assignment and ask that the case be reassigned to one of the patent judges. The case will remain on the docket of the initially assigned non-participating judge unless the assignment is declined within the initial 28-days after filing.
4. The Clerk of Court will establish a separate assignment deck (“Patent Pilot Project deck”) for use in the reassignment of cases to patent judges, and each patent judge’s name will appear in this deck an equal number of times. Reassignments made using the Patent Pilot Project deck must be made randomly in accordance with Civil Local Rule 40.1(a).
5. The Clerk of Court will establish a method for the equalization in the assignment of cases between patent judges and non-participating judges, to the end that over a period of time each judge is assigned substantially equal amounts of work. Such method shall be subject to the approval of the district judges.

6. Civil Local Rule 40.1 will be amended as follows:
- (A) A new subsection (b) will be added to the Rule, providing as follows:
 - b. Assignment of Patent and Plant Variety Protection Cases.** Because the judges of the Court have elected to participate in the Patent Pilot Project established pursuant to Pub. L. No. 111-349, 124 Stat. 3674, all newly filed patent and plant variety protection cases will be assigned in accordance with the procedures set forth in the Court's General Order 598 Regarding the Assignment of Patent and Plant Variety Protection Cases, entered on August 22, 2011, and any subsequent amendments thereto.
 - (B) Current subsections (b) through (i) will be re-lettered accordingly.

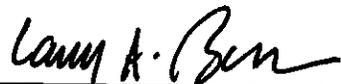
The period for public comment with regard to the amendment to Civil Local Rule 40.1 shall be until September 12, 2011. Absent further order of this Court, the effective date of this Rule amendment is September 19, 2011. Any comments should be submitted to the Clerk, U.S. District Court, at 880 Front Street, Room 4290, San Diego, California 92101-8900. Please note on the envelope: In re: Amendment of Civ. L.R. 40.1.

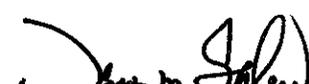
DATED: August 22, 2011


IRMA E. GONZALEZ, Chief Judge
United States District Court


MARILYN L. HUFF, Judge
United States District Court


BARRY TED MOSKOWITZ, Judge
United States District Court


LARRY A. BURNS, Judge
United States District Court


DANA M. SABRAW, Judge
United States District Court

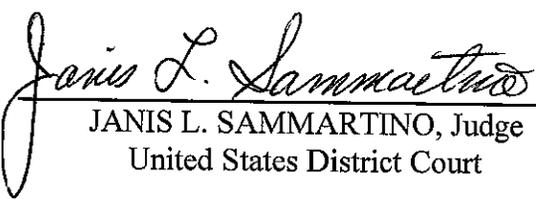

WILLIAM Q. HAYES, Judge
United States District Court



JOHN A. HOUSTON, Judge
United States District Court



ROGER T. BENITEZ, Judge
United States District Court



JANIS L. SAMMARTINO, Judge
United States District Court



MICHAEL M. ANELLO, Judge
United States District Court



ANTHONY J. BATTAGLIA, Judge
United States District Court