

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

In the matter of the Assignment of Patent and Plant Variety Protection Cases	) ) ) )	General Order No. 598-D
--	------------------	-------------------------

---

In August 2011, the judges of the Court 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. This Order amends and supercedes the prior versions of General Order 598. The following additional procedures apply to the Patent Pilot Project:

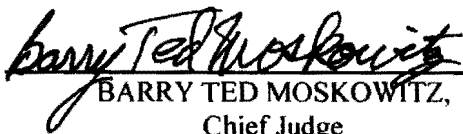
1. A judge of this Court wishing to participate in the Patent Pilot Project ("patent judge") must notify the chief judge.
2. Newly filed patent and plant variety protection cases ("patent cases") are initially assigned randomly pursuant to Civil Local Rule 40.1(a). In accordance with Civil Local Rule 40.1(b), newly filed patent cases, other than "false marking" cases under 35 U.S.C. § 292, are assigned pursuant to the provisions of this order.
3. Where a newly filed patent case 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. Where the case is randomly assigned and the initially assigned judge recuses, the next assigned non-participating judge will have fourteen (14) days from that reassignment to decline the case under this General Order. The case will remain on the docket of the assigned non-participating judge unless the assignment is declined as stated in this General Order.
4. If a non-participating judge declines the random assignment, and all of the patent judges recuse thereafter, the case will be assigned back to the first assigned non-participating judge who did not recuse.
5. The Clerk of Court will maintain 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). When a non-participating judge declines a case assignment, the docket will state that the assigned judge has declined assignment pursuant to General Order 598.

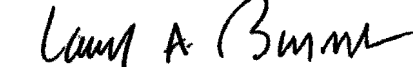
6. The Clerk of Court will maintain a method for the equalization in the assignment of cases between patent judges and non-participating judges, to the end that over a period of time each judge is assigned substantially equal amounts of work. Such method is subject to the approval of the district judges.
7. Civil Local Rule 40.1 applies to patent cases. The parties must notify the Court of any other cases in the district involving the same patent.
8. If a patent judge declines assignment or recuses from any case involving the same patent currently pending before the judge, the judge is not required to decline assignment or recuse from all related cases involving the patent, unless required by law.
9. The following judges are currently designated as patent judges: The Honorable Marilyn L. Huff; The Honorable Dana M. Sabraw; The Honorable Roger T. Benitez; The Honorable Janis L. Sammartino; and The Honorable Cathy Ann Bencivengo.


**IT IS SO ORDERED.**


DATED: December 2, 2015

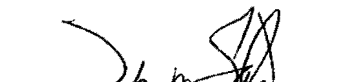
  
BARRY TED MOSKOWITZ,  
Chief Judge


United States District Court

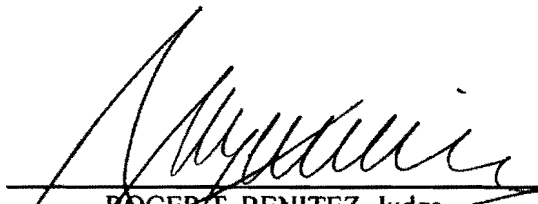
  
LARRY A. BURNS, Judge  
United States District Court

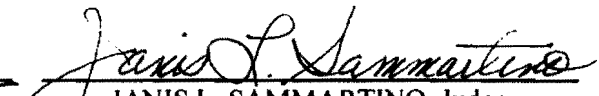
  
WILLIAM Q. HAYES, Judge  
United States District Court

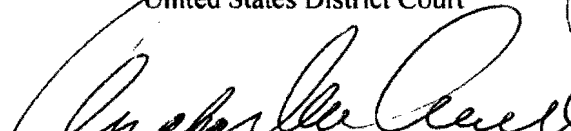
  
MARILYN L. HUFF, Judge  
United States District Court


  
DANA M. SABRAW, Judge  
United States District Court

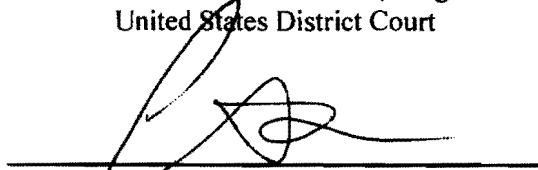
  
JOHN A. HOUSTON, Judge  
United States District Court


  
\_\_\_\_\_  
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


  
\_\_\_\_\_  
CATHY ANN BENCIVENGO, Judge  
United States District Court


  
\_\_\_\_\_  
GONZALO P. CURIEL, Judge  
United States District Court

  
\_\_\_\_\_  
CYNTHIA BASHANT, Judge  
United States District Court

  
\_\_\_\_\_  
WILLIAM B. ENRIGHT, Judge  
United States District Court

  
\_\_\_\_\_  
JEFFREY J. MILLER, Judge  
United States District Court

  
\_\_\_\_\_  
THOMAS J. WHELAN, Judge  
United States District Court

  
\_\_\_\_\_  
M. JAMES LORENZ, Judge  
United States District Court