FILED
CLERK, U.S. DISTRICT COURT
June 24, 2021
CENTRAL DISTRICT OF CALIFORNIA
BY: Natalie L. Calkins DEPUTY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF	GENERAL ORDER NO. 21-11
PATENT PROGRAM	(Supersedes General Order No. 19-10)

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. Finding that it is in the public interest to continue the Patent Pilot Program after its expiration, the judges of the Court have decided to establish a permanent Patent Program ("Program"), which 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 Program. If a newly filed Patent Case is assigned to a judge who is not participating in the Program, that judge may, within

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

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

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 A judge who has withdrawn from the Program may subsequently request redesignation as a Program Judge by contacting the Chief Judge pursuant to paragraph I.1 of this General Order.

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

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

II. MAGISTRATE JUDGES

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

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

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

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

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

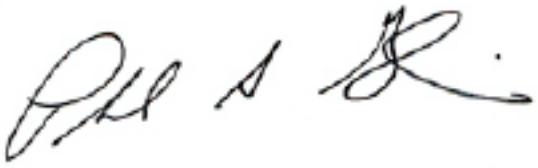
6. A Program Magistrate Judge may withdraw from the Program at any time by notifying the Chief Magistrate Judge and the Clerk of Court that the Program Magistrate Judge's name should be removed from the Magistrate Judge Patent Program Deck. A magistrate judge who has withdrawn from the Program may subsequently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

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

case to the Program, and that judge will receive one credit in the ACAS.

This General Order shall be effective upon filing by the Clerk.

IT IS SO ORDERED.



CHIEF UNITED STATES DISTRICT JUDGE

Date of Approval by the Court: June 23, 2021

Date of Filing by the Clerk: June 24, 2021