



*The Sedona Conference
Commentary on Case Management of Patent
Damages and Remedies Issues: Proposed Model Local Rule for
Damages Contentions
(June 2017 Edition)*

The Sedona Conference Working Group 9 on Patent Damages and Remedies (WG9) presents this *Proposed Model Local Rule for Damages Contentions*, which the courts could adopt in whole or in part to implement a damages contentions requirement, as will be recommended for consideration in the forthcoming *Commentary on Case Management of Patent Damages and Remedies Issues*. The *Proposed Model Local Rule* was published for public comment in April 2016, and then published in final / “post-public comment” form in June 2017.

Requiring parties to exchange a set of damages contentions in advance of both the close of fact discovery and of the filing of damages expert reports would provide greater clarity on damages theories and potential disputes earlier than tends to occur presently. This would allow for the consideration of motions related to the admissibility of damages theories and evidence during the pretrial period, rather than on the eve of trial.

WG9 appreciates that not all patent cases are alike and believes that Damages Contentions requirements should be designed with flexibility in mind so that they can, in appropriate cases, be tailored based on individual case-specific, case-management considerations.

The full text of *The Sedona Conference Commentary on Case Management of Patent Damages and Remedies Issues: Proposed Model Local Rule for Damages Contentions*, June 2017 Edition, is available free for individual download from The Sedona Conference website at

[https://thesedonaconference.org/publication/Patent Damages and Remedies](https://thesedonaconference.org/publication/Patent_Damages_and_Remedies)

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