

DISTRICT JUDGE CASELOAD

JUDGE RON CLARK Beaumont Non-Patent Civil = 35% Beaumont Criminal = 35%
Beaumont Patent = 100%
Lufkin Civil = 100% Lufkin Criminal = 100% Tyler Criminal = 100%

JUDGE MARCIA CRONE Beaumont Non-Patent Civil 45% Beaumont Criminal = 45%
Sherman Criminal = 50%
Beaumont, Lufkin and Sherman Capital Murder and Murder Cases = 100%

JUDGE RODNEY GILSTRAP Marshall Civil = 95% Marshall Criminal = 100%
Texarkana Civil = 20% Tyler Patent = 30%

JUDGE AMOS MAZZANT Sherman Non-Patent Civil = 95% Sherman Criminal = 50%
Sherman Patent = 100%

JUDGE TREY SCHROEDER Texarkana Civil = 80% Texarkana Criminal = 100%
Marshall Civil = 5% Tyler Civil Non-Patent 100% Tyler Patent = 70%

SENIOR JUDGE RICHARD SCHELL Sherman Civil Non-Patent = 5%

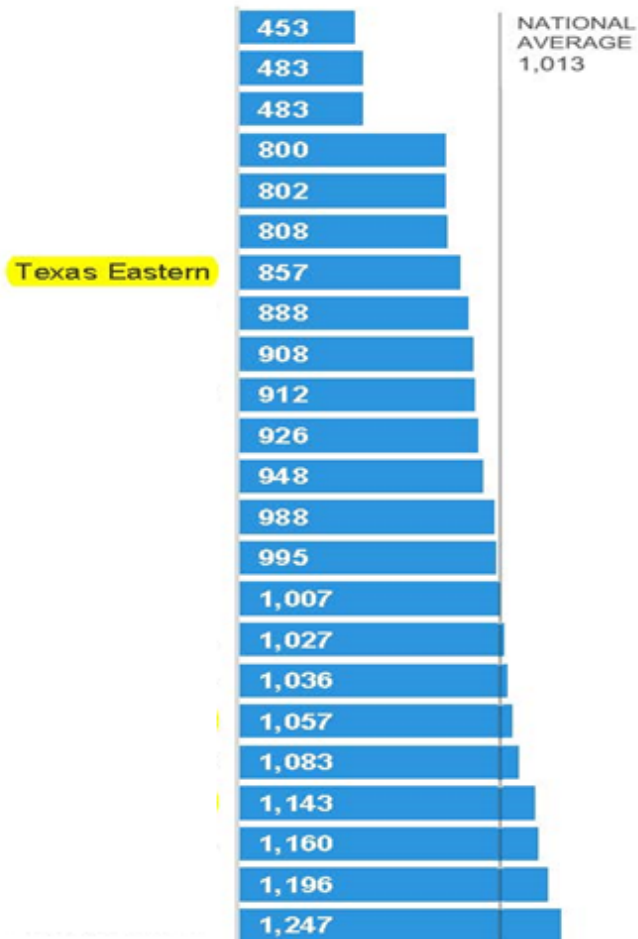
SENIOR JUDGE THAD HEARTFIELD Beaumont Civil Non-Patent = 20%
Beaumont Criminal = 20%

AVERAGE TIME TO SUMMARY JUDGMENT

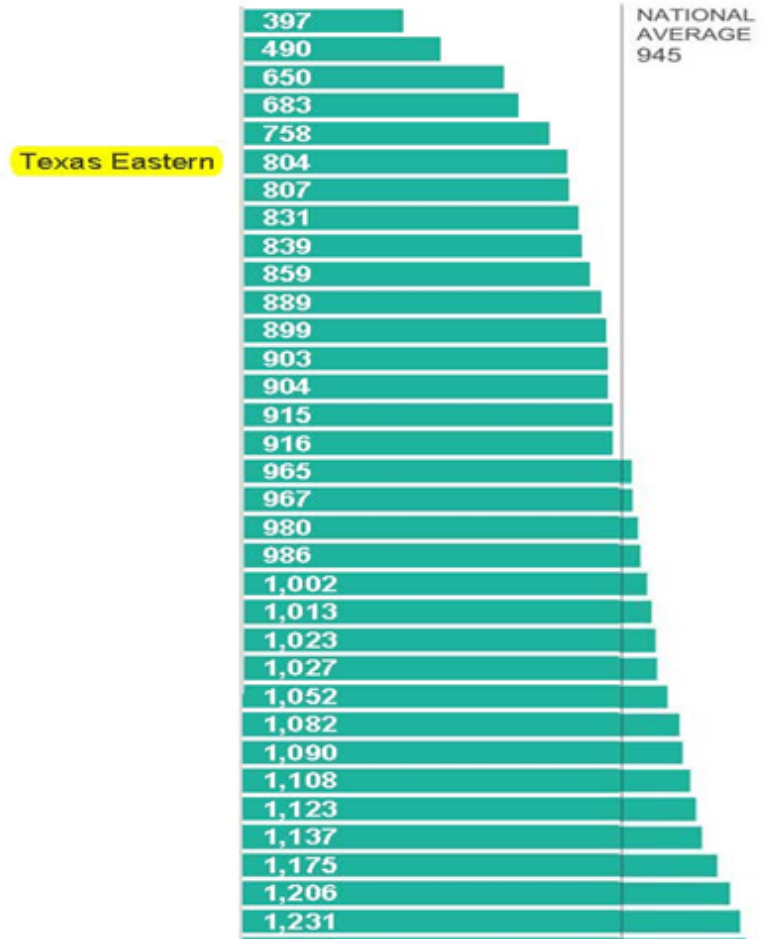
By Court 2008-2015

This chart shows the average number of days from case filing to a motion for summary judgment (MSJ) in US District Courts for orders which occurred between 2008 and 2015.

MSJ IN FAVOR OF PATENTEE



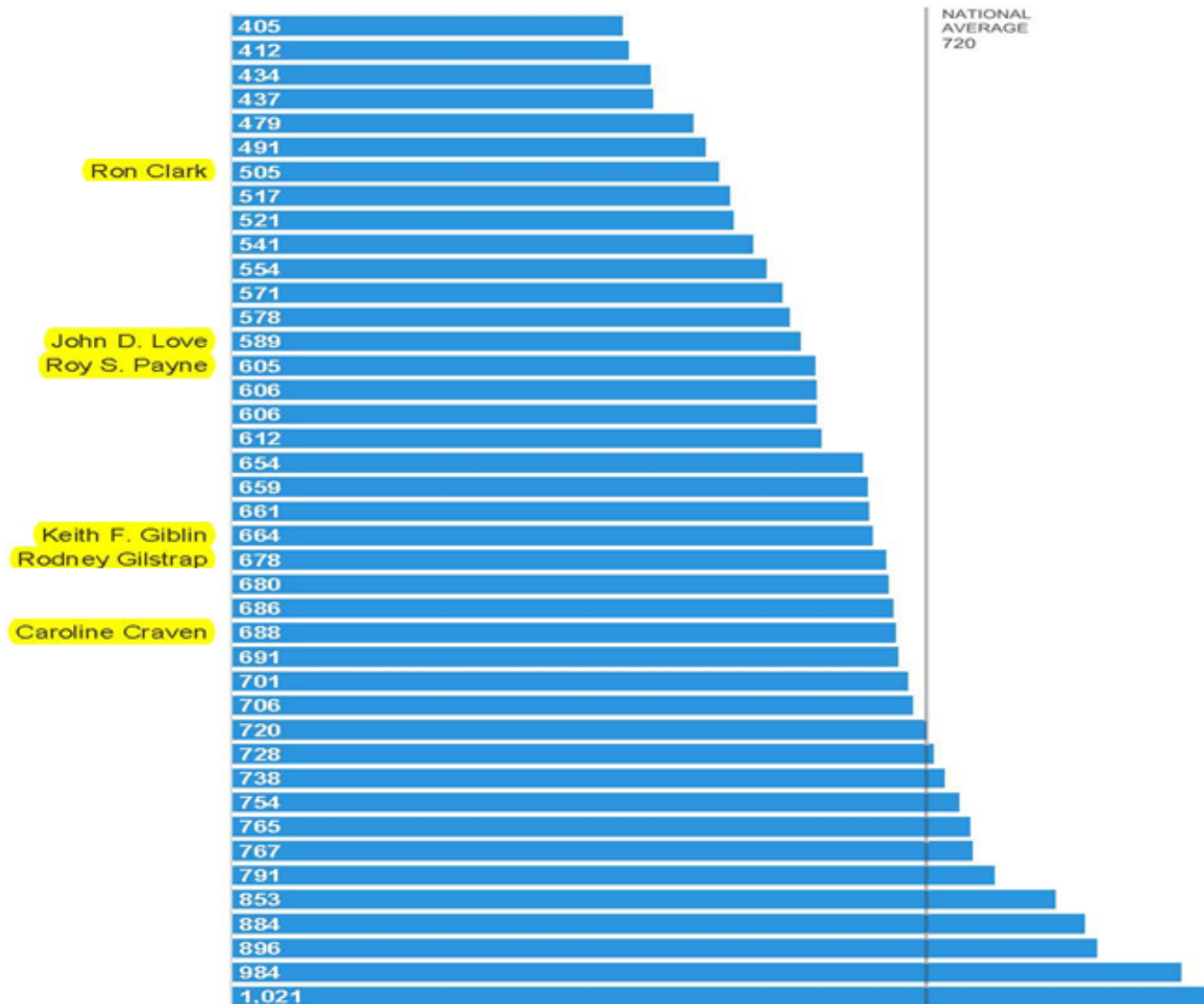
MSJ AGAINST PATENTEE



AVERAGE TIME TO CLAIM CONSTRUCTION

By Judge

The chart below shows the average number of days from case filing to claim construction for judges with at least 20 claim construction orders filed between 2008 and 2015. The national average for all patent litigation cases over the same period was just under two years, 720 days.



Eastern District of Texas Caseload Profile

		12-Month Periods Ending			
		June 30, 2013	June 30, 2014	June 30, 2015	June 30, 2016
Overall Caseload Statistics	Filings	5,125	5,281	5,296	5,919
	Terminations	4,617	4,896	5,408	5,901
	Pending	5,640	6,000	5,794	5,810

Vacant Judgeship Months	24.0	24.0	29.2	29.7
Total Civil Filings	500	528	564	620

Median Time (Months)	From Filing to Disposition (Civil Only)	8.3	9.0	8.1	6.5
	From Filing to Trial (Civil Only)	18.5	27.9	22.9	20.7

ORDER PROHIBITING CONTACT WITH POTENTIAL JURORS & JURORS

In order to assist counsel in preparation for voir dire, the court intends to provide a list of potential jurors that will form the venire in this case a few days prior to the start of trial. Guided by the rules of this court, guidance from the American Bar Association Standing Committee on Ethics and Professional Responsibility, and applicable rules governing counsel's ethical obligations, it is ORDERED that the following rules regarding investigation of potential jurors will apply:

1. All attorneys, parties, and their respective employees and agents, including jury consultants, are prohibited from communicating with or causing another to communicate with in any way, directly or indirectly including through any non-lawyers or third parties connected to the case, any juror or potential juror or family members of such individuals, except in the course of official proceedings in this case. *See* Tex. Disciplinary Rules Prof'l Conduct R. 3.06(b), *reprinted in* Tex. Gov't Code Ann., tit. 2, subtit. G, app. A (West 2013) (Tex. State Bar. R. art. 10, § 9).

2. All attorneys, parties, and their respective employees and agents, including jury consultants, are prohibited from conducting or causing another to conduct a “vexatious or harassing” investigation of any juror or potential juror. *See* Tex. Disciplinary Rules Prof’l Conduct R. 3.06(a)(1).

3. All attorneys, parties, and their respective employees and agents, including jury consultants, are prohibited from personally or through another sending an access request to the electronic social media (“ESM”) platform of any juror or potential juror, including for example a Facebook friend request or an Instagram request to “Follow” that juror. Other forms of ESM include LinkedIn, Twitter, and Instagram. *See* ABA Standing Comm. on Ethics and Prof’l Responsibility, Formal Op. 466 (2014).

4. All attorneys, parties, and their respective employees and agents, including jury consultants, are prohibited from conducting or causing another to conduct any type of investigation by which a juror or potential juror may become aware that his or her ESM is being reviewed or scanned. For example, lawyers are prohibited from reviewing the LinkedIn accounts of jurors or potential jurors if network settings would alert that juror or potential juror to the fact that a lawyer from the case has reviewed his or her LinkedIn account. This of course requires that any individual using ESM to investigate jurors review the terms and conditions, including privacy features, which change frequently, as well as his or her own network settings before investigating jurors on such platforms.