

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:)
PROCEDURES TO GOVERN THE)
APPOINTMENT OF SPECIAL MASTERS)
TO HEAR DISCOVERY DISPUTES IN)
INTELLECTUAL PROPERTY CASES)

ORDER

WHEREAS, the Judges of this Court seek to effectively manage and reach the prompt disposition of their cases; and

WHEREAS, the Judges of this Court have determined that it is necessary for the prompt and efficient administration of justice in intellectual property cases to, inter alia, manage discovery, conduct hearings on discovery disputes and rule on same, rule on non-dispositive pretrial motions, and facilitate settlement; and

WHEREAS, the Court has the inherent authority to appoint Special Masters to achieve these critically important goals, see also Rule 53 of the Federal Rules of Civil Procedure, and 28 U.S.C. §§ 471-482 (1994) (Judicial Reform Act of 1990); and

WHEREAS, given this Court’s significant docket of complex intellectual property cases and given that this Court’s Magistrate Judge is routinely scheduling hearings and mediation calendars six to eight months out, the need to appoint Special Masters to achieve these stated important goals is clear; and

WHEREAS, the procedure utilized for the appointment of Special Masters in intellectual property cases should be efficient and therefore routinized;

NOW, THEREFORE, this 15th day of September, 2004, it is **HEREBY**

ORDERED:

1. Special Master Panel for Intellectual Property Cases.

(a) The Judges of the Court shall designate a panel of Special Masters who meet the criteria contained in 1(b) (the “Special Master Panel” or “Panel”). Panel members will serve at the pleasure of the Judges of the Court.

(b) Persons seeking to be members of the Panel must submit a letter requesting same. Said letter should state the regular hourly rates charged by that person and others who may be assisting in the execution of his/her duties and be accompanied by a Curriculum Vitae which demonstrates the person’s experience, competence and acceptability to serve.

(c) The Clerk of this Court shall establish and manage the Panel. Vincent J. Poppiti, Esquire who, by Order dated September 15, 2004, was appointed to the Panel, is designated as the Special Master Liaison to the Clerk of this Court. In this regard Mr. Poppiti will assist in the development, execution and monitoring of, inter alia, the referral, work flow and compensation processes.

2. Referral to Panel.

When, from time-to-time, Judges of this Court elect to appoint a Special Master in an intellectual property case, the matter will be referred to the Special Master Panel. In all cases referred to the Panel for assignment of a Special Master, Mr. Poppiti shall make his recommendation for same to the Judge presiding in the matter.

3. Order Appointing Master.

The Judge presiding in the matter will issue an Order of Reference naming the Special Master, consistent with the provisions of Rule 53(b)(2) of the Federal Rules of Civil Procedure.

4. Compensation, Costs and Expenses of the Special Master.

(a) Special Masters and others who may be assisting them in the execution of their duties will be compensated at their normal hourly rates.

(b) The compensation, costs and expenses of a Special Master shall be allocated equally among the parties unless otherwise ordered by the Court upon recommendation by the Special Master.

FOR THE COURT:

SUE L. ROBINSON
Sue L. Robinson
CHIEF JUDGE