

# Exhibit 7

**LOCAL RULES**  
**OF**  
**CIVIL PRACTICE AND PROCEDURE**  
**OF THE**  
**UNITED STATES DISTRICT COURT**  
**FOR THE**  
**DISTRICT OF DELAWARE**

(Amended Effective April 30, 2010)

## **Preface to the 2010 Amendments**

It has been three years since the Local Rules of Civil Practice and Procedure were amended by the Court. Since the last amendments were made effective, the Federal Rules of Civil Procedure have been amended in several respects, including rules relating to computation of time. The amendments made herein are meant to reflect these amendments and to address other practices of the Court and of the Bar.

The Judges of the Court take this opportunity to thank the members of the Bar named below who gave the Court their time and advice regarding this project.

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## I. SCOPE OF THE RULES

### RULE 1.1. Scope of the Rules.

(a) Title and Citation. The rules that follow shall be known as the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware (hereinafter referred to as “the Rules”). The Rules shall be cited as "D. Del. LR \_\_."

(b) Effective Date. The Rules become effective on April 30, 2010. The Rules supercede any local rules effective prior thereto and shall govern all civil proceedings pending on the effective date, unless otherwise ordered.

(c) Application. The Rules shall be construed consistent with 1 U.S.C. §§ 1-5 and shall be followed insofar as they are not inconsistent with the Federal Rules of Civil Procedure (hereinafter “Fed. R. Civ. P.”). The Rules, as well as all procedures promulgated by either the Clerk of Court (“the Clerk”) or any Judge’s chambers, shall be on the Court’s website at [www.ded.uscourts.gov](http://www.ded.uscourts.gov).

(d) Modification. The application of the Rules in any case or proceeding may be modified by the Court in the interests of justice.

### RULE 1.2. Availability of the Local Rules.

(a) Copies. Copies of the Rules, as amended and with any appendices attached hereto, can be viewed on and downloaded from the Court’s website, [www.ded.uscourts.gov](http://www.ded.uscourts.gov). Paper copies are available from the Clerk for a reasonable charge to be determined by the Court.

(b) Amendments. Consistent with Fed. R. Civ. P. 83 and 28 U.S.C. § 2071, notice shall be provided of:

- (1) Any amendments to the Rules;
- (2) The ability of the public to comment thereon; and
- (3) Final adoption of the amendments.

### RULE 1.3. Sanctions.

(a) In General. Sanctions may be imposed, at the discretion of the Court, for violations of the Rules, as well as for violations of the Fed. R. Civ. P. and any order of the Court. Such sanctions may include, but are not limited to, costs, fines and attorneys’ fees imposed on the offending party and that party’s attorney.



(b) Substantive Sanctions. In addition to financial penalties, failure of counsel to comply with the Rules relating to trial preparation may be considered an abandonment or a failure to prosecute or defend diligently, and judgment may be entered against the defaulting party either with respect to a specific issue or the entire case. Likewise, failure of counsel to comply with the Rules relating to motions may result in the determination of the motion against the offending party.

## II. COMMENCEMENT OF ACTION; PROCESS; SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

### RULE 3.1. Civil Cover Sheet.

(a) In General. Except for civil actions initiated by prisoners who are not represented by counsel, every party initiating a civil action in the Court shall complete and file with the Clerk a civil cover sheet, a form available from the Clerk. To the extent that counsel for a plaintiff has not completed the entire civil cover sheet accurately, counsel for a defendant shall bring such missing or inaccurate information to the attention of the Clerk, all parties, and the Court.

(b) Indication of Related Actions. Counsel for a plaintiff in a civil action shall indicate on the civil cover sheet if said action is related to any other civil action previously decided or pending in this or any other federal district court. Civil actions are related if they:

- (1) Arise from the same or substantially identical transactions, happenings, or events as the case at bar;
- (2) Involve the same or substantially the same parties or property;
- (3) Involve the same patent or the same trademark; or
- (4) For other reasons would entail substantial duplication of labor if heard by different judges.

### RULE 3.2. Patent Cases.

In all patent cases, copies of the patents at issue shall be attached and filed with the complaint.

### RULE 4.1. Service of Process.

(a) Summons. Except as to those cases proceeding pursuant to 28 U.S.C. § 1915(d), upon or after the filing of a complaint, plaintiff or plaintiff's counsel must present to the Clerk, for the Clerk's signature and seal, a completed form of summons for

“This order shall control the subsequent course of the action, unless modified by the Court to prevent manifest injustice.”

**RULE 16.4. Requests for Extensions of Deadlines.**

Unless otherwise ordered, a request for an extension of deadlines for completion of discovery or postponement of the trial shall be made by motion or stipulation prior to expiration of the date deadline, and shall include the following:

- (a) The reasons for the request; and
- (b) Either a supporting affidavit by the requesting counsel’s client or a certification that counsel has sent a copy of the request to the client.

**IV. PARTIES**

**RULE 23.1. Designation of "Class Action" in the Caption.**

In any case sought to be maintained as a class action, the complaint or other pleading asserting a class action shall include, next to its caption, the legend "Class Action."

**V. DEPOSITIONS AND DISCOVERY**

**RULE 26.1. Form of Certain Discovery Papers.**

(a) Sequential Numbering. Each party shall number sequentially each interrogatory or request it submits; the responses thereto shall be numbered consistently. Each subpart of an interrogatory or request shall be counted as a separate interrogatory or request.

(b) Form of Responses. The party answering, responding, or objecting to interrogatories or requests served pursuant to Fed. R. Civ. P. 33, 34 or 36 may state any general objections and then shall quote each such interrogatory or request in full immediately preceding the substance of the answer, response, or objection thereto.

**RULE 26.2. Confidentiality.**

If any documents are deemed confidential by the producing party and the parties have not stipulated to a confidentiality agreement, until such an agreement is in effect, disclosure shall be limited to members and employees of the firm of trial counsel who have entered an appearance and, where appropriate, have been admitted pro hac vice.

Such persons are under an obligation to keep such documents confidential and to use them only for purposes of litigating the case.

**RULE 30.1. Reasonable Notice for Taking Depositions.**

Unless otherwise ordered by the Court, "reasonable notice" for the taking of depositions under Fed. R. Civ. P. 30(b)(1) and 30(b)(6) shall be not less than 10 days.

**RULE 30.2. Deposition Motions.**

Pending resolution of any motion under Fed. R. Civ. P. 26(c) or 30(d), or such other form of application for relief as the Court may prescribe, neither the objecting party, witness, nor any attorney is required to appear at a deposition to which a motion is directed until the motion is resolved.

**RULE 30.3. Who May Attend Deposition.**

Unless otherwise ordered by the Court, or agreed to by all parties, a deposition may be attended only by:

- (a) The deponent;
- (b) Counsel for any party and members and employees of their firms;
- (c) A party who is a natural person;
- (d) An individual who has been designated by counsel to represent a party that is not a natural person;
- (e) Counsel for the deponent; and
- (f) Any consultant or expert designated by counsel for any party.

If a protective order has been entered, any person who is not authorized under the order to have access to documents or information designated confidential may be excluded while a deponent is being examined about such confidential document or information.

**RULE 30.4. Procedures for Recording Depositions.**

(a) Beginning. An oral deposition to be electronically or magnetically recorded shall begin by the operator stating on the record:

- (1) The operator's name and address;