

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**GENERAL ORDER AMENDING LOCAL RULE CV-5(a)(7)**

It is hereby ORDERED that the following amendment to Local Rule CV-5(a)(7), having been approved by the judges of this court, is adopted for immediate implementation:<sup>1</sup>

**LOCAL RULE CV-5 Service and Filing of Pleadings and Other Papers**

(a) **Electronic Filing Required.** Except as expressly provided or in exceptional circumstances preventing a Filing User from filing electronically, all documents filed with the court shall be electronically filed in compliance with the following procedures.

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(7) **Sealed Documents.** Documents requested or authorized to be filed under seal shall be filed in electronic form. In non-patent cases, unless otherwise directed by the clerk's office, such documents shall be submitted on a CD-ROM. In patent cases, parties shall contact the clerk's office to obtain permission to file documents under seal using the court's CM/ECF system. ~~and~~ All sealed documents filed with the court must comply with the file size and other form requirements of Local Rules CV-5(a) and CV-7. Counsel is responsible for serving documents under seal to opposing counsel, and may do so in electronic form, and for complying with Local Rule CV-5(a)(9) regarding courtesy copies of filings. When a sealed order is entered by the court, the clerk will send a sealed copy of the order only to the lead attorney for each party (see Local Rule CV-11), who is responsible for distributing the order to all other

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<sup>1</sup>New language appears in underlined text; deleted language appears in ~~strikeout~~ text.

counsel of record for that party. ~~Counsel is responsible for serving documents under seal to opposing counsel, and may do so in electronic form.~~

*Comment:* This amendment allows counsel in patent cases to file sealed documents electronically using the court's CM/ECF system. The rule for non-patent sealed documents - submit the documents to the court on a CD-ROM disk - remains the same. The "submit via CD" provision works fine for shorter sealed documents. Patent documents, however, tend to be voluminous. Filing via CM/ECF allows counsel to upload the voluminous documents into the database by dividing them into sections of 5 MB or less and then appending them to one another. The CM/ECF system also allows the filing attorney to create docket entry text that adequately describes the documents being filed without divulging confidential information. The last sentence of the existing rule is redundant of a prior sentence in the rule, and is therefore being excised.

Signed this 8<sup>th</sup> day of March, 2006.

**FOR THE COURT:**

  
THAD HEARTFIELD  
Chief Judge