

Litigation Code Set Code Definitions

The Litigation Code Set is intended for use in all adversarial matters including litigation, binding arbitrations, and regulatory/administrative proceedings. The following definitions elaborate on the intended scope of each phase and task and should guide attorneys in coding time.

L100 - Case Assessment, Development and Administration

Focuses on aspects affecting the period of the case as a whole, subject to the other specific areas listed below.

L110 - Fact Investigation/Development

All actions to investigate and understand the facts of a matter including interviews of client personnel and potential fact witnesses, review of documents to learn the facts of the case (but not for document production), work with an investigator, and all related communications and correspondence.

L120 - Analysis/Strategy/Advice

The thinking, strategizing and planning for a case, including discussions, writing and meetings on case strategy and initial legal research for case assessment purposes and legal research for developing a basic case strategy. Does not include legal research, which should be itemized under the primary phase/task for which the research is conducted, such as for a summary judgment motion. Once concrete trial preparation begins, use Trial Preparation and Trial/Other Preparation/Support. Preliminary and subsequent legal advice on the merits/issues but not advice on evidence or advice on particular applications or motions described elsewhere.

L130 - Fact Witnesses/Experts/Consultants/Arbitrators

Identifying and initial interviewing of fact witnesses, experts and consultants (testifying and non-testifying), working with them and developing statements and expert reports as appropriate. Selecting arbitrators. Does not include preparing for depositions or trial.

L140 - Document/File Management/Databases

A narrowly defined task that comprises only the processes of creating and populating document and other databases or filing systems, including the planning, design and overall management of the process. Work of outside litigation support vendors is an expense.

L150 - Budgeting Costs

Covers developing, negotiating and revising the costs budget for a matter or any phase or task and generally dealing with costs in relation to pre-trial matters.

L160 - Settlement/Offers to Settle/Tender/Payments/Non-binding ADR/Letter before Action

All activities directed specifically to settlement including planning for and participating in settlement discussions, conferences, and hearings; making or responding to offers to settle e.g.

Part 36 CPR and implementing a settlement; tenders and payments into court or under the CPR; pursuing and participating in mediation and other non-binding ADR procedures; pre-action/litigation demand letters and responses and ensuing discussions.

L190 - Other

Time not attributable to any other case assessment, development or administrative task.

L200 - Pre-Trial Pleadings/Interlocutory Applications and Motions

Covers all pleadings, and all pre-trial motions and procedures and interlocutory applications and steps other than discovery or disclosure or evidence and trial preparation.

L210 - Pleadings/Originating Process/Dismissal and Discontinuance/Abandonment

Developing (researching, drafting, editing, filing) and reviewing complaints, claim forms, writs and arbitration notices, particulars of claim, and third party complaints, defences / answers and counterclaims, replies, defences to counter-claims, and any other pleadings; agreed statements of facts; further and better particulars; amendments; third party proceedings and pleadings. Also embraces motions directed at the originating process and pleadings, such as motions to dismiss and motions to strike, and jurisdictional motions. Challenge to jurisdiction, forum non conveniens, and improper service. Dismissal or discontinuance and stay on terms of Tomlin or other Order.

L220 - Preliminary Injunctions/Provisional Remedies/Pre-Action Disclosure/Mareva/Anton Piller/Other Special Orders

Developing and discussing strategy for these remedies, preparing motions, affidavits and briefs, reviewing other party papers and affidavits in support, preparing for and attending court hearing, preparing witnesses for the hearing, and effectuating, applying and implementing the remedy.

L230 - Court Mandated Conferences/CMC/Allocation/Listing/PTR

Preparing for and attending hearings and conferences required by court order or procedural rules (including Rule 16 sessions) other than settlement conferences. Case Management Conferences and Pre-Trial Reviews. Allocation and Listing questionnaires and hearings.

L240 - Dispositive Motions

Developing and discussing strategy for bringing or opposing motions for judgment on the pleadings and motions for complete or partial summary judgment, preparing papers and affidavits in support, reviewing opponent's or other party papers and affidavits in support; defensive motions (e.g., motion to strike affidavit testimony, Rule 56(f) motion), and preparing for and attending the hearing.

L250 - Other Written Motions/Submissions/Interlocutory Applications or Motions or other Steps

Developing, responding to, and arguing all motions other than dispositive motions, provisional remedies, etc (as above), pleadings, and discovery / disclosure, such as motions to consolidate,

to bifurcate, to remand, to stay, to compel arbitration, for MDL treatment and for change of venue. Preparing papers and affidavits in support and reviewing other party papers and affidavits in support. Preliminary issues. Applying for split trial. Seeking or resisting consolidation of actions. Setting down an action for trial.

L260 - Class Action Certification and Notice

Proceedings unique to class action litigation and derivative suits, such as class certification and notice.

L300 - Discovery/Disclosure/Inspections and Inquiries/Evidence

Includes all work pertaining to discovery according to court or agency rules.

L310 - Written Discovery/Admissions/Requests for Information/Letters Rogatory

Developing, responding to, objecting to, and negotiating interrogatories and requests to admit, including mandatory meet-and-confer sessions and mandatory written disclosures as under Rule 28(a). Requests for information, notices to admit and letters rogatory for documents.

L320 - Document Production/Disclosure

Developing, responding to, objecting to and negotiating document requests, including the mandatory meet-and-confer sessions to resolve objections, identifying documents for production, reviewing documents for privilege, effecting production, and preparing requested privilege lists. Preparing own client's and reviewing other party Lists of Documents. Non-party disclosure. Subpoenas for documents. Does not include coding and entering produced documents into a data base, or reviewing documents primarily to understand the facts

L330 - Depositions/Fact Witness Statements/Statements under Statutory or Regulatory Powers/CEA Notices/Subpoenas/Taking Evidence Abroad

All work concerning depositions, including determining the deponents and the timing and sequence of depositions, preparing deposition notices and subpoenas for witnesses, communicating with opposing or other party's counsel on scheduling and logistics, planning for and preparing to take the depositions, discussing deposition strategy, preparing witnesses, reviewing documents for deposition preparation, attending depositions and drafting any deposition summaries. Preparing own fact witness statements, reviewing other party fact witness statements and dealing with supplementary fact witness statements. Serving Civil Evidence Act Notices. Dealing with the taking of evidence under statutory or regulatory powers e.g. by the SFO or FSA. Disciplinary proceedings e.g. for auditors or at Lloyd's. Taking evidence abroad or responding to requests from abroad for same. Subpoenas to compel fact witness attendance at trial.

L340 - Expert Discovery/Experts Reports

Same as depositions, but for expert witnesses. Assisting to prepare and serving expert reports in evidence. Reviewing other party experts' reports and assisting to prepare and serve supplemental experts reports.

L350 - Discovery Motions/Specific Disclosure

Developing, responding to, and arguing all motions that arise out of the discovery and disclosure processes, including the protective order process and seeking an affidavit and/or specific documents or specific classes of document; preparing papers and affidavits in support and reviewing other party papers and affidavits in support. Challenging or defending privilege claims. Confidentiality issues.

L390 - Other Discovery/Medical Investigation/Site Visit/Other Inspections and Inquiries

Less frequently used forms of discovery, such as medical examinations and on-site inspections. Site visit. Fatal Accident Act inquiry or HSE investigations; special inquiries (e.g. Lords Cullen and Penrose).

L400 - Trial Preparation and Trial

Commences when trial is sufficiently likely and imminent so that the process of actually preparing for trial begins, and continues through the trial and post-trial proceedings in the trial court. Once trial begins, use Trial and Hearing Attendance only for lawyers who appear in court; classify non-court time, e.g., evenings, weekends and the time of other attorneys and support personnel, using other tasks in this section.

L410 - Fact Witnesses

Preparing for examination and cross-examination of non-expert fact witnesses. Not preparation of evidence for service. Disclosure at trial resulting from evidence. Hearsay and opinion evidence relating to fact witnesses.

opinion evidence relating to fact witnesses.

L420 - Expert Witnesses

Preparing for examination and cross-examination of expert witnesses. Not preparation of experts reports for service.

L430 - Written Motions/Submissions

Developing, responding to and arguing written motions during preparation for trial and trial, such as motions in limine and motions to strike proposed evidence, and developing other written pre-trial and trial filings, such as jury instructions, witness lists, proposed findings of fact and conclusions of law, and trial briefs.

L440 - Other Preparation/Support/Advice on Evidence/Bundles/Opening and Closing Submissions and Skeleton Arguments

All other time spent in preparing for and supporting a trial, including developing overall trial strategy, preparing opening and closing submissions and skeleton arguments, establishing an off-site support office, identifying documents for use at trial, preparing demonstrative materials, etc.

L450 - Trial and Hearing Attendance

Appearing at trial, at hearings and at court-mandated conferences, including the pre-trial conferences to prepare for trial. Does not include scheduling conferences denominated as "Pre-Trial Conferences" but not directed toward conduct of the trial.

L460 - Post Trial Motions/Submissions/CRU and Damages

Developing, responding to and arguing all post-verdict matters in the trial court, such as motions for new trial or j.n.o.v., for stay pending appeal, bills of costs, and requests for attorneys' fees. Issues regarding quantum (damages) CRU/damages issues and costs.

L500 – Appeal

Covers all work on appeal or before a reviewing body.

L510 - Appellate Motions/Submissions/Petition

Developing, responding to and arguing motions and other filings before a reviewing body, such as motions for stay pending appeal. Seeking leave to appeal and supporting affidavit and other evidence.

L520 - Appellate Briefs/Notice of Appeal

Preparing and reviewing appellate briefs. Preparing grounds of appeal and supporting affidavit and other evidence.

L530 - Oral and Skeleton Arguments/Preparation/Attendance

Preparing for and arguing an appeal before a reviewing body. Attendance at hearing of appeal.

Bankruptcy Code Set Definitions

This code set is intended for use on bankruptcy matters. Tasks relating to adversarial matters, such as preference actions, must be captured using the Litigation Code Set.

B100 – Administration

B110 - Case Administration

Review and analyse client file, including policies, program agreements, service agreements, bonds, collateral agreements, indemnity agreements; Review and analyse bankruptcy case, including bankruptcy petition, schedules, statements of financial affairs, Debtors' lenders and DIP Lender; Identify legal and business interests to be protected; Identify strategy to best protect ACE's interests; Identify need for local counsel; Ongoing monitoring of bankruptcy pleadings (including motions for relief from stay filed by claimants seeking insurance proceeds).

B120 - Asset Analysis and Recovery

Not applicable.

B130 - Motions to Sell Assets/Abandon Property

Review and analyse motions filed by debtors or trustee and determine whether objection is necessary in order to protect client's interest (assignment of policies, limiting exposure, business assets, machinery, equipment, designs, personnel records, etc.).

B150 - Meetings and/or Communications with Debtors

Preparing for and attending meetings or teleconferences with Debtors and/or Trustee.

B160 - Fee/Employment Applications

Preparations of employment and fee applications for self or others; motions to establish interim procedures.

B170 - Fee/Employment Objections.

Review of and objections to the employment and fee applications of others.

B180 - Avoidance Action Analysis.

Review of potential avoiding actions under Sections 544-549 of the Code to determine whether adversary proceedings are warranted.

B185 - Assumption/Rejection of Leases and Contracts.

Analysis of leases and executory contracts and preparation of motions specifically to assume or reject.

B190 Other Contested Matters (excluding assumption/rejection motions).

Analysis and preparation of all other motions, opposition to motions and reply memoranda in support of motions.

B195 Non-Working Travel.

Non-working travel where the court reimburses at less than full hourly rates.

B200 - Operations

B210 Business Operations.

Issues related to debtor-in-possession operating in chapter 11 such as employee, vendor, tenant issues and other similar problems.

B220 - Employee Benefits/Pensions

Consideration of severance pay, leave entitlements and workers compensation programs which may be treated as part of employee benefit programs.

B230 Financing/Cash Collections.

Matters under 361, 363 and 364 including cash collateral and secured claims; loan document analysis.

B240 - Tax Issues

Analyses and advice regarding tax-related issues, including the preservation of net operating loss carry forwards.

B250 - Real Estate

Review and analysis of real estate-related matters, including purchase agreements and lease provisions (e.g., common area maintenance clauses).

B260 - Board of Directors Matters

Preparation of materials for and attendance at Board of Directors meetings; analysis and advice regarding corporate governance issues and review and preparation of corporate documents (e.g., Articles, Bylaws, employment agreements, compensation plans, etc.) Investigation of issues related to D&O coverage.

B300 - Claims and Plan

B310 - Claims Administration and Objections.

Specific claim inquiries; bar date motions; analyses, objections and allowances of claims.

B320 - Plan and Disclosure Statement (including Business Plan).

Formulation, presentation and confirmation; compliance with the plan confirmation order, related orders and rules; disbursement and case closing activities, except those related to the allowance and objections to allowance of claims.

B400 - Bankruptcy-Related Advice

B410 - General Bankruptcy Advice/Opinions.

Analysis, advice and/or opinions regarding potential bankruptcy related issues, where no bankruptcy case has been filed.

B420 - Restructurings.

Analysis, consultation and drafting in connection with the restructuring of agreements, including financing agreements, where no bankruptcy case has been filed.

Counseling Code Set Definitions

The Counseling Code Set is part of the broader Uniform Task-Based Management System which also includes codes for litigation, bankruptcy and projects (including transactions and administrative filings). It is intended to capture time spent by attorneys in preparing and delivering general legal advice for all areas of law (e.g., tax, labor, corporate, regulatory, lobbying). Communication between client and counsel about which code set to use at the onset of any matter is advisable.

The following definitions elaborate on the intended scope of each task and should guide attorneys in coding time.

C100 - Fact Gathering

This phase includes all initial inquiries, meetings and instructions and the identification and collection of information relevant to the assignment.

C200 - Researching Law

This phase includes all legal research tasks, including internal meetings and consultations with those with special expertise, and computer and on-line research.

C300 - Analysis And Advice

This phase includes all tasks associated with analysis of both the facts and research performed (under C100 and C200) and communicating related opinions or advice to clients. Written communication, meetings, and telephone conversations during which advice is conveyed would all be captured by this phase.

C400 - Third Party Communication

This phase includes all discussions with third parties not otherwise covered above, such as communications with regulators or parties to contracts with the client.

Patent Code Set Definitions

PA100 – Assessment, Development and Administration

PA110 -Fact Investigation and Development

All actions to investigate and understand the facts of a matter that are not included under another patent task code below. Covers interviews of client personnel and potential witnesses, review of documents to learn the facts of a potential case, work with an investigator, and all related communications and correspondence.

PA120 - Analysis/Strategy

The thinking, strategizing, and planning for a case that is not included under other patent task codes below. Includes discussions, writing, and meetings on case strategy. Also includes initial legal research for case assessment purposes and legal research for developing a basic case strategy. Most legal research and/or other activity will be under the primary task for which the research is conducted, such as research for a response to an office action under PA430.

PA130 - Document/File Management

A narrowly defined task that includes creating and populating document and other databases or filing systems, that does not fit under other task codes below. Includes the planning, design, and overall management of this process. Work of outside vendors in building litigation support databases should be an expense under E100. Calendaring (or "docketing in the U.S.) should be included under the appropriate task codes below for each matter unless, otherwise instructed by the client.

PA140 - Budgeting

Covers developing, negotiating, and revising the budget for a matter that does not fit under other task codes below. Cost estimates which are included as part of other activities, such as reporting an Official Communication from a patent Office, should be included under the appropriate task codes below, unless otherwise instructed by the client.

PA199 - Other Assessment, Development or Administration

Use only for assessment, development, administration and other activities that can not be included under a previous code, or as instructed by the client.

PA200 – Patent Investigation and Analysis

PA210 - State of the Art Investigation

All actions associated with determining the state of the art in a particular area of technology, including definition of the scope and field of the search, searching, analysis of search results, and reporting to client. Also known as a "collection" search, a state-of-the-art search is the broadest and most general type of patent search with a field that may include published patent applications, expired and unexpired patents, non-patent literature, and/or other sources. State-of-the-art searches are typically conducted, if at all, during the conceptual design phase when

the scope of the investigation is least defined. State-of-the-art searches may also be used to help identify technology that is disclosed in expired patents and may therefore be freely copied by anyone. Work of outside vendors in conducting searches or otherwise assisting investigation should be an expense under E100.

PA220 - Patentability Investigation

All actions associated with determining the approximate scope of patent protection that may be available for a client's invention, including definition of the scope and field of the search, searching, analysis of search results, and reporting to client. Also known as a "novelty" or "prior art" search, the field of a patentability search is often similar to that of a state-of-the-art search. However, patentability searches are typically conducted after any market research or conceptual engineering has been completed so that the scope of the investigation is described by at least an informal structural or functional description of an invention. Often a patentability search will also locate expired and/or lapsed patents disclosing technology that may be freely copied in order to improve the invention. Thus, a patentability search may include various aspects of a state-of-the-art search. Work of outside vendors in conducting searches or otherwise assisting the investigation should be an expense under E100.

PA230 - Clearance Investigation

All actions associated with determining whether a proposed product or process might be covered by the claims of patents and/or published patent applications, including definition of the scope and field of the search, searching, search field integrity checking, analysis of search results, and reporting to client. Also known as a "right-to-use" or "non-infringement" search, the field of a clearance search is often limited to the patent claims in a very narrow technical area. The purpose of an infringement search is to determine whether there are claims in those patent documents that might be broadly construed to cover a well-defined, commercial embodiment of a product or process. Since interpretation of the patent claims may require review of the disclosure, patentability and clearance investigations are sometimes performed concurrently. Work of outside vendors in conducting searches or otherwise assisting the investigation should be an expense under E 100. Any formal clearance opinion directed at specific patents should be prepared separately under PA710.

PA240 - Validity Investigation

All actions associated with determining whether a patent claim is invalid including definition of the scope and field of search, searching, analysis of search results, and reporting the search results to the client. A validity search attempts to locate "prior art" documents and/or other information that were not considered during the examination of the corresponding patent application but appear to disclose the features recited in a patent claim. The field of the search can vary widely depending upon the technology under consideration. Work of outside vendors in conducting searches or otherwise assisting the investigation should be an expense under E100. Any formal invalidity opinion should be prepared separately under PA710.

PA250 - Publication Watches

All actions associated with planning, completing, and reporting the results of periodic searches for new publications in connection with a specific assignee, area of technology, patent application, or issued patent. For example, this may include watching the file history of published applications for new Official Communications, responses, and/or publication for opposition. Work of outside vendors in conducting searches or otherwise assisting the investigation should be an expense under E100.

PA260 - Infringement Investigation

All actions associated with determining which of a client's patent claims may cover a non-client's products or processes, including collecting patent and/or product information, obtaining any product samples, comparing the products to the client's patent claims, and reporting the results to the client. Work of outside vendors, such as private investigators, in assisting the investigation should be an expense under E100. Any formal infringement opinion should be prepared separately under PA710, including any formal documentation that is to be used in order to support a complaint for patent infringement.

PA270 - Status Investigation

All actions associated with determining the status of a published or unpublished patent application, or issued patent, including application and/or database review and forwarding report to client. Includes annuity and/or maintenance fee status investigations. Work of outside vendors in conducting searches or otherwise assisting the investigation should be an expense under E100.

PA299 - Other Patent Investigation and Analysis

Use only for patent investigation and analysis activities that can not be included under a previous code, under PA710, or as instructed by the client.

PA300 – Domestic Patent Preparation

PA310 - Provisional Application Preparation – Domestic

All actions associated with completing a provisional patent application that is to be filed in the ("domestic") home country or region of the applicant, including review of invention disclosure materials and prior art, interviews with the inventors, drafting and revision of application, preparation and execution of formal documentation (such as assignments, transmittals, and biological deposits), filing of application, and reporting to the client. Note that government fees and external expenses or disbursements are included under E100.

PA320 - Non-Provisional Application Preparation – Domestic

All actions associated with completing a non-provisional utility or utility model (but not design or provisional) patent application that are to be filed in home country or region of the applicant, including review of invention disclosure materials and prior art, interviews with the inventors, drafting and revision of application, preparation and execution of formal documents (such as assignments, declarations, information disclosure statements, transmittals, and biological

deposits) filing of application, and reporting to the client. Includes preparation of PCT International Applications when filed in the home country of the applicant. Note that government fees and external drafting expenses are included under E100.

PA330 - Design Application Preparation – Domestic

All actions associated with completing a design patent (but not utility or utility model) application or design registration application that are to be filed in the home country or region of the applicant, including review of invention disclosure materials and prior art, interviews with the inventors, drafting and revision of application, preparation and execution of formal documents (such as assignments, declarations, information disclosure statements, and transmittals) filing of application, and reporting to the client. Note that government fees and external drafting expenses are included under E100.

PA340 - Plant Patent Preparation – Domestic

All actions associated with completing plant patent applications that are to be filed in the home country or region of the applicant, including review of invention disclosure materials and prior art, interviews with the inventors, drafting and revision of application, preparation and execution of formal documents (such as assignments, declarations, information disclosure statements and transmittals, and biological deposits) filing of application, and reporting to the client. Note that government fees and external imaging expenses are included under E100.

PA350 - Continuing Application Preparation – Domestic

All actions associated with completing a continuing patent application (claiming priority to an earlier-filed, parent application in the same country, without adding any new disclosure) that is to be filed in the home country or region of the applicant, including review of parent application, drafting and execution of any formal documents (such as transmittals and information disclosure statements), filing of application, and reporting to the client. Includes Reissue Applications and Re-examination Requests. Also includes PCT National Phase entry where the parent PCT International Application was previously filed in the same country. For PCT National Phase entry in other ("foreign") countries, use PA600. Note that (so-called "continuation-in-part") patent applications extending the scope of the disclosure (or adding "new matter" in the U.S.) in an earlier-filed application are included under PA310-340. Also note that government fees and external imaging expenses are included under E100.

PA399 - Other Patent Application Preparation

Domestic- Use only for patent application preparation activities for applications that are to be filed in the home country or region of the applicant, and that can not be included under a previous code, or as instructed by the client.

PA400 - Domestic Patent Prosecution

PA410 - Information Disclosure Statement – Domestic

All action associated with bringing prior art, or other information, to the attention of an Examiner in the home country of the applicant in connection with an application that was

previously filed under PA300. Note that Information Disclosure Statements that are filed with the application are included under PA300.

PA420 - Preliminary Amendment – Domestic

All action associated with revising an application prior to the examination of the application on its merits in the home country of the applicant for an application filed under PA300, including preparation of amendments and revised drawings that do not affect the scope of the disclosure. Note that Preliminary Amendments that are filed with a continuing application without affecting the scope of the disclosure are included under PA350. Also note that preliminary amendments extending the scope of the disclosure in an earlier-filed application and requiring the issuance of a new application number are included under PA310-340.

PA430 - Official Communication – Domestic

All action associated with processing an Official Communication from a Patent Office in the home country of an application for an application filed under PA300, including initial review and any calendaring of any response deadline, report to client with any proposed response, review of applicant's instructions and inventor's comments, preparation of amendments and/or responsive arguments, examiner interviews, and report of actions to the client. Includes activities associated with Official Communications not affecting the merits of the application, such as filing receipts, restriction/election requirements, and annuity/maintenance fee payments. Also includes Petitions and other requests for supervisory action that are not decided by a quasi-judicial appellate tribunal within the Patent Office, such as petitions to reinstate an abandoned application. Appeals, Oppositions, Interferences, and other quasi-judicial proceedings before an administrative tribunal associated with the Patent Office. Are included under PA440.

PA440 - Quasi-Judicial Administrative Proceedings – Domestic

All action associated with completing a quasi-judicial proceeding before an administrative tribunal associated with the Patent Office of the home country of the applicant in connection with an application filed under PA300, including Appeals, Oppositions, Interferences, and other ex-parte and inter-partes proceedings. Includes collecting evidence, preparing and filing motions, briefs, responses, replies, surreplies, and other documents, attending conferences, depositions, hearings, and other proceedings. Does not include requests for supervisory action under PA430. Note that external expenses are included under E100.

PA499 - Other Patent Prosecution Domestic

Use only for patent prosecution activities for applications that are to be initially filed in the ("domestic") home country or region of the applicant, and that can not be included under a previous code, or as instructed by the client.

PA500 - Foreign Patent Preparation

PA510 - Provisional Application Preparation - Foreign

All actions associated with completing a provisional patent application that is to be filed outside the home country or region of the applicant, including translations, review of invention disclosure materials and prior art, interviews with the inventors, drafting and revision of application, preparation and execution of formal documentation (such as assignments, transmittals, and biological deposits), filing of application, and reporting to the client. Note that government fees and other external expenses are included under E100.

PA520 - Non-Provisional Application Preparation - Foreign

All actions associated with completing a non-provisional, utility or utility model (but not design or provisional) patent application that is to be filed outside the home country or region of the applicant, including translations, review of any invention disclosure materials or parent applications, drafting of application including pre-filing revision of a parent applications, preparation and execution of formal documents (such as assignments, declarations, information disclosure statements, transmittals, and biological deposits) filing of application, and reporting to the client. Includes PCT International Applications when filed outside the home country of the applicant. Note that government fees and other external expenses are included under E100.

PA530 - Design Application Preparation - Foreign

All actions associated with completing a design patent (but not utility or utility model) applications or design registration applications that are to be filed outside the home country or region of the applicant, including translations, review of any invention disclosure materials or parent applications, drafting of application including pre-filing revision of parent applications, preparation and execution of formal documents (such as assignments, declarations, information disclosure statements, and transmittals) filing of application, and reporting to the client. Note that government fees and other external drafting expenses are included under E100.

PA540 - Plant Patent Preparation - Foreign

All actions associated with completing plant patent applications that are to be filed outside the home country or region of the applicant, including translations, review of any invention disclosure materials or parent applications, drafting of application including pre-filing revision of parent applications, preparation and execution of formal documents (such as assignments, declarations, information disclosure statements, transmittals, and biological deposits) filing of application, and reporting to the client Note that government fees and other external expenses are included under E100.

PA550 - Continuing Application - Foreign

All actions associated with completing a continuing patent application (claiming priority to an earlier-filed application in the same country, but without adding new disclosure) that are to be filed outside the home country or region of the applicant, including translations, review of any invention disclosure materials or parent applications, drafting of application including pre-filing

revision of any parent applications, preparation and execution of formal documents (such as assignments, declarations, information disclosure statements, transmittals, and biological deposits) filing of application, and reporting to the client. Also includes PCT National Phase entry where the parent PCT International Application was previously filed in another country. For PCT National Phase entry in the applicant's home country, use PA300. Note that foreign patent applications extending the scope of the disclosure (or so-called "new matter" in the U.S.) in an earlier-filed application are included under PA610-PA640. Also note that government fees and external imaging expenses are included under E100.

PA599 - Other Patent Application Preparation – Foreign

Use only for preparation activities in connection with patent applications that are to be filed outside the home country or region of the applicant, and that can not be included under a previous code, or as instructed by the client.

PA600 - Foreign Patent Prosecution

PA610 - Information Disclosure Statement - Foreign

All action associated with bringing prior art, or other information, to the attention of an Examiner outside the home country of the applicant in connection with an application filed under PA500. Note that Information Disclosure Statements that are filed with the application are included under PA500.

PA620 - Preliminary Amendment – Foreign

All action associated with revising an application prior to the examination of the application on its merits outside the home country of the applicant in an application filed under PA500, including preparation of amendments and revised drawings that do not affect the scope of the disclosure. Note that Preliminary Amendments that are filed with a continuing application, but do not affect the scope of the disclosure are included under PA550. Also note that preliminary amendments extending the scope of the disclosure in a parent application, and requiring the issuance of a new application number, are included under PA510-540.

PA630 - Official Communication – Foreign

All action associated with processing an Official Communication from a Patent Office outside the home country of the applicant in connection with an application filed under PA500, including initial review and calendaring of any response deadline, report to client with any proposed response, review of applicant's instructions and inventor's comments, preparation of amendments and/or responsive arguments, examiner interviews, and report of actions to the client. Includes activities associated with Official Communications not affecting the merits of the application, such as filing receipts, restriction/election requirements, and annuity/maintenance fee payments. Also includes Petitions and other requests for supervisory action that are not decided by a quasi-judicial appellate tribunal within the Patent Office, such as petitions to reinstate an abandoned application. Appeals, Oppositions, Interferences, and other such quasi-

judicial proceedings before an administrative tribunal associated with the Patent Office are included under PA640.

PA640 - Quasi-Judicial Administrative Proceedings –Foreign

All action associated with completing a quasi-judicial proceeding before an administrative tribunal associated with a Patent Office outside of the home country of the applicant in connection with an application filed under PA500, including Appeals, Oppositions, Interferences and other ex-parte and inter-partes proceedings. Includes collecting evidence, preparing and filing motions, briefs, responses, replies, surreplies, and other documents, attending conferences, depositions, hearings, and other proceedings. Does not include requests for supervisory action under PA630. Note that external expenses are included under E100 .

PA650 - Other Patent Prosecution – Foreign

Use only for patent prosecution activities in connection with applications that are filed outside the home country or region of the applicant, and that can not be included under a previous code, or as instructed by the client.

PA700 - Other Patent-Related Tasks

PA710 - Opinion Preparation

All action associated with the completing formal legal opinions on the validity, enforceability, infringement, and/or non-infringement of a patent claim. Includes opinions on infringement of a client's patent by a non-client infringer.

PA720 - Portfolio Analysis and Management

All action associated with reviewing, analysing, documenting, and managing a portfolio of patents. Includes patent "due diligence" during transactional analysis.

PA799 - Other Patent Activities

Use only for patent activities that can not be included under a previous code, or as instructed by the client.

Trademark Code Set Definitions

T100 - Assessment, Development and Administration

T110 - Fact Investigation and Development

All actions to investigate and understand the facts of a matter that are not included under another trademark task code below. Covers initial meeting to discuss new matter, interview of client personnel and potential witnesses, review of documents to learn the facts of a potential case, work with an investigator, and all related communications and correspondence.

T120 - Analysis/Strategy

The thinking, strategizing, and planning for a case that is not included under other trademark task codes below. Includes discussions, writing, and meetings on case strategy. Also includes initial legal research for case assessment purposes and legal research for developing a basic case strategy. Most legal research and/or other activity will be under the primary task for which the research is conducted, such as research for a response to an office action under T320 and T420 respectively.

T200 - Trademark Investigation and Analysis

T210 - Preliminary Investigation

All actions associated with determining the initial availability and registerability of a particular trademark, including the definition of the scope of protection, searching, analysing search results, and reporting results to the client. Also known as a "knock off" search, a preliminary search is the most general type of trademark search which usually encompasses a review of pending trademark applications, active trademark registrations, and abandoned trademark applications and registrations. Preliminary searches are conducted to determine if a full clearance investigation is warranted under T220. Work of outside vendors in conducting searches or otherwise assisting the investigation should be an expense under E100.

T220 - Clearance Investigation

All actions associated with determining the final availability and registerability of a particular trademark, including definition of the scope of protection, searching, analysing the search results, and reporting the results to the client. Also known as a "full" search, a clearance search is the broadest type of trademark search which includes review of pending trademark applications, active trademark registrations, abandoned trademark applications and registrations, public and corporate records, government publications and various databases. Work of outside vendors in conducting searches or otherwise assisting investigation should be an expense under E100.

T230 - Opposition Investigation

All actions associated with investigating a claim or potential claim of trademark infringement or trademark dilution before a trademark office tribunal, including definition of the scope of the investigation, searching, analysing the search results, and reporting the search results to the

client. Work of outside vendors in conducting searches or otherwise assisting the investigation should be an expense under E100. This code set is for determining the facts and recommendations of an opposition matter. Any subsequent work completed in a contested matter would be included under T350 or T430 respectively.

T240 - Publication Watches

All actions associated with planning, completing, and reporting the results of periodic searches for conflicting trademarks. For example, this may include watching the file history of trademark applications, and/or publication for opposition. Work of outside vendors in conducting searches or otherwise assisting the investigation should be an expense under E100.

T250 - Enforcement Investigation

All actions associated with investigating a claim or potential claim of trademark infringement, dilution or unfair competition before a court of jurisdiction, including definition of the scope of the investigation, searching, analysing the search results, and reporting the search results to the client. Work of outside vendors in conducting searches or otherwise assisting the investigation should be an expense under E100. This code set is for determining the facts and recommendations of an enforcement matter. Any subsequent work completed in a contested matter would be included under general litigation codes.

T260 - Status Investigation

All actions associated with determining the status of a pending or registered trademark, including inquiries with the trademark office, directing outside counsel and database review, and forwarding status report to the client. Includes annuities or maintenance fee status investigations. Work of outside vendors in conducting searches or otherwise assisting the investigation should be an expense under E100.

T270 - Other Trademark Investigation and Analysis

Use only for trademark investigation and analysis activities that can not be included under a previous code or as instructed by the client.

T300 - Domestic Trademark Preparation, Application and Renewals

T310 - Provisional Application Preparation and Filing - Domestic

All actions associated with completing a trademark or service mark application that is to be filed in the home country or region of the applicant, including obtaining the specimen of use from the client, scanning the specimen for electronic filing, discussion with the client to ascertain the dates of first use and first use in commerce, drafting and revision of the application, preparation and filing of the application by electronic or paper formats, and reporting the results to the client. This section includes all domestic trademark and service mark applications filed on the Principal or Supplemental Register. Note that government fees and external expenses or disbursements are included under E100.

T320 - Official Communication – Domestic

All action associated with processing an Official Communication from a Trademark Office in the home country of an applicant for an application filed under T300, including initial review and any calendaring of any response deadline, report to client with any proposed response, review of applicant's instructions and comments, preparation of amendments and/or responsive arguments, examiner interviews, and report of actions to the client. Includes activities associated with Official Communications not affecting the merits of the application, such as reporting Notice of Allowance, receipt of Certificate of Registration, petitions, and other requests for supervisory action that are not decided by a quasi-judicial or appellate tribunal within the Trademark Office. Note that government fees and external expenses are included under E100.

T330 - Preliminary Amendment – Domestic

All action associated with revising an application prior to the examination of the application on its merits in the home country of the applicant for an application filed under T300, including preparation of amendments and revised drawings that does not materially alter the original drawing.

T340 - Affidavits, Petitions, Extensions, Declarations and Other Filings - Domestic

All action associated with processing affidavits, petitions, extensions, declarations, and exchange of correspondence with the Trademark Office in the home country of an application filed under T300, including initial review and any calendaring of any response deadline, report to client with any proposed response, review of applicant's instructions and comments, preparation of affidavits, petitions, extensions, declarations, change of address or change of ownership and/or responsive arguments, examiner interviews, and report of actions to the client. Excludes any filings in response to Official Communications under T320. Includes any affidavit, petition, extension, declaration and other requests for supervisory action that are not decided by a quasi-judicial or appellate tribunal within the Trademark Office. Note that governmental fees and external expenses are included under E100.

T350 - Quasi-Judicial Administrative Proceedings – Domestic

All action associated with completing a quasi-judicial proceeding before an administrative tribunal associated with the Trademark Office of the home country of the applicant in connection with an application filed under T300, including Appeals, Oppositions, and other ex-parte and inter-parties proceedings. Includes collecting evidence, preparing and filing motions, briefs, responses, replies, surreplies, and other documents, attending conferences, depositions, hearings, and other proceedings. Does not include requests for supervisory action under T320. Note that governmental fees and external expenses are included under E100.

T360 - Other Trademark Prosecution – Domestic

Use only for trademark prosecution activities for applications that are to be initially filed in the home country or region of the applicant, and that can not be included under a previous code, or as instructed by the client.

T400 - Foreign Trademark Preparation, Application and Renewals

T410 - Provisional Application Preparation and Filing - Foreign

All actions associated with completing a trademark, service mark or design mark application that is to be filed in a jurisdiction outside the home country or region of the applicant, including obtaining the power of attorney, translations if necessary, obtaining supporting information and documentation from the client, discussing priority filings with the client, drafting and revision of the application, preparation and filing of the application, and reporting the results to the client. This section includes all foreign national applications, regional applications (such as a CTM or Benelux application), and marks filed under WIPO (Madrid Agreement and Madrid Protocol). Note that government fees and external expenses are included under E100.

T420 - Official Communication – Foreign

All action associated with processing an Official Communication from a Trademark Office outside the home country of the applicant in connection with an application filed under T400, including initial review and calendaring of any response deadline, report to client with any proposed response, review of applicant's instructions and comments, preparation of amendments and/or responsive arguments, submitting response to local counsel, and report of actions to the client. Includes activities associated with Official Communications not affecting the merits of the application, such as receipt of Certificate of Registration, petitions, and other requests for supervisory action that are not decided by a quasi-judicial or appellate tribunal within the Trademark Office. Note that government fees and external expenses are included under E100. Additionally, Appeals, Oppositions, and other such quasi-judicial proceedings before an administrative tribunal associated with the Trademark Office are included under T430.

T430 - Quasi-Judicial Administrative proceedings – Foreign

All action associated with completing a quasi-judicial proceeding before an administrative tribunal associated with a Trademark Office outside of the home country of the applicant in connection with an application filed under T400, including Appeals, Oppositions, and other ex-parte and inter-partes proceedings. Includes collecting evidence, preparing and filing motions, briefs, responses, replies, surreplies, and other documents, attending conferences, depositions, hearings, and other proceedings. Does not include requests for supervisory action under T420. Note that governmental fees and external expenses are included under E100.

T440 - Other Patent Prosecution – Foreign

Use only for trademark prosecution activities in connection with applications that are filed outside the home country or region of the applicant, and that can not be included under a previous code, or as instructed by the client.

T500 - Other Trademark Related Tasks

T510 - Due Diligence

All actions associated with reviewing, analysing, documenting and investigating asset valuation, including review of trademark assets and agreements, searching status of trademark portfolio,

valuation, analysing valuation results and reporting results to the client. Work of outside vendors in conducting searches or otherwise assisting investigation should be an expense under E100.

T520 - Trademark Assignments

All actions associated with negotiating and preparing trademark assignment, including review of file history, checking status of trademark and meeting with client. Work of outside vendors in conducting searches or otherwise assisting investigation should be an expense under E100.

T530 - Trademark Licensing

All actions associated with negotiating and preparing trademark license.

T540 - Filing Security Interest

All action associated with reviewing, preparing and filing security interest such as a trademark assignment with the trademark office.

T550 - Portfolio Analysis and Management

All action associated with reviewing, analysing, documenting, and managing a portfolio of trademarks. Includes trademark "due diligence" during transactional analysis.

Project Code Set Definitions

The Project Code Set includes all legal tasks performed for non-litigation matters of a similar task pattern described below. This Code Set can be used for transactions (e.g., real estate, securities, financings, restructurings, mergers and acquisitions), for administrative filings with Federal and state agencies, and for stand-alone projects (e.g., establishing an environmental compliance program). All of these assignments share, to a large extent, the same underlying process steps.

The Project Code Set is part of the broader Uniform Task-Based Management System which also includes codes for litigation, bankruptcy, and counseling. The Project Code Set applies to all areas of law.

The following definitions elaborate on the intended scope of each phase and task and should guide attorneys in coding time.

P100 - Project Administration

Focuses on administrative aspects of the assignment, including planning, budgeting, and maintenance of documents. Covers developing, negotiating, and revising the administrative plan and the budget for a matter. Also includes developing and communicating project status reports. Time coded here is to be distinguished from strategizing about the project, which is included in the P300 code.

P200 - Fact Gathering/Due Diligence

Includes all time spent investigating facts, obtaining documents and completing due diligence and the preparation of related reports and reviews with clients.

Also includes co-ordination with third parties (including other counsel) in connection with fact investigation, interviews of client and non-client personnel, document review performed for purposes of identifying, understanding and analysing facts and issues, and all related communications and correspondence.

P210 - Corporate Review

This task includes all fact investigation/due diligence from a corporate perspective, such as structural reviews, material contract reviews, SEC filing reviews, financing document reviews, and industry information reviews.

P220 - Tax

This task includes all steps involved in conducting fact investigation/due diligence from a tax perspective.

P230 - Environmental

This task includes all fact investigation/due diligence from an environmental perspective.

P240 - Real and Personal Property

This task includes all fact investigation/due diligence from a real and personal property perspective.

P250 - Employee/Labor

This task includes all fact investigation/due diligence from an employee benefits and labor perspective.

P260 - Intellectual Property

This task includes all fact investigation/due diligence from an intellectual property (patent, trademarks, copyrights) perspective.

P270 - Regulatory Reviews

This task includes fact investigation/due diligence from a regulatory perspective not covered elsewhere. Includes review of agency filings (e.g., FCC, FTC, and State analogues) by a party to or the subject of the transaction or project. Also includes consumer credit reviews

P280 - Other

This task includes all fact investigation/due diligence not captured more specifically in the P200 codes set forth above.

P300 - Structure/Strategy/Analysis

Includes time spent in planning the approach to the deal or project. Tasks include all analysis performed for purposes of developing and reassessing the strategy for the project or transaction, and all steps taken to develop a written outline or description of the structure of a transaction or the strategy for a matter (e.g., term sheets) throughout the life of the matter.

P400 - Initial Document Preparation/Filing

This phase includes all tasks undertaken to prepare transaction documents and opinions prior to their being sent to non-client third parties. Also includes all tasks undertaken to file documents (including regulatory filings). All related communications with the client and review of client generated transaction documentation should be coded here.

P500 - Negotiation/Revision/Responses

This phase includes conducting negotiations, revising the initial (P400) transaction documentation as a result of such negotiations, attendance at meetings, and responses thereto (including communications with clients with respect thereto). The review of documents received from non-client third parties should also be coded here.

P600 - Completion/Closing

This phase includes all tasks related to transaction pre-closing and closing, project completion or filing acceptance, such as attendance at closing.

P700 - Post-Completion/Post-Closing

This phase includes all post-completion or post-closing tasks such as amendments to final documentation and resolution of post-closing issues. Also includes all implementation tasks (e.g., funds held in escrow) and preparation of closing binders (i.e., primarily clerical actions). Would not typically include total or significant restructuring which should be considered a new assignment.

P800 - Maintenance and Renewal

This phase includes all tasks related to subsequent maintenance and renewal requirements under the terms of the transaction or project such as monitoring