

Judge Nuffer's Suggestions for Creating a Really Accessible Document

1. Finished PDF documents filed in CM/ECF should be entirely text-based to facilitate searching, copying, and highlighting.

Because we read almost all submissions on computer or iPad, we really appreciate it if they are entirely text-based PDF documents. A [text based PDF](#) can be word-searched, highlighted as read, and copied into an order. Computer created documents (such as motions with memoranda) will be text based if output from the computer to PDF format, but all scanned documents should have text recognition through Optical Character Recognition (OCR) before submission to the court. [Recognize Text in Adobe Acrobat](#).

2. Begin with an outline that becomes a Table of Contents.

An outline creates organization but it also makes navigation tools available in Microsoft Word while you are drafting, and can automate a table of contents that has hyperlinks to locations in the document. The outline feature is built in to all word processors, and the table of contents will survive the conversion to PDF format. [Outline in Word](#). [Table of Contents in Word 2010](#).

3. Create a List of Exhibits

An exhibit list included with the memorandum (as a separate attachment) helps locate exhibits. The importance of exhibits is clarified if the exhibit list includes pages on which references to exhibits are made.

INDEX		
Exhibit		Page
Exhibit "1"	Declaration of Stephen Batzer Ph.D., P.E.	4-14, 16-18, 32, 34
Exhibit "2"	Novatek Drawing No. NFP-NP-0199 (release date 7/8/2010), Ex. 9 David Hall deposition.	4, 6-14, 16, 17
Exhibit "3"	Novatek Drawing No. NFP-NP-0211 (release date 8/17/2010), 4, 6-14, 16, 17 Ex. 19 David Hall deposition.	
Exhibit "4"	Exhibit A to Sollami Disclosure of Asserted Claims and Infringement Contentions [Doc. No 37].	4-13
Exhibit "5"	Exhibit B to Sollami Disclosure of Asserted Claims and Infringement Contentions [Doc. No 37].	4-13
Exhibit "6"	Exhibit C to Sollami Disclosure of Asserted Claims and Infringement Contentions [Doc. No 37].	4-13
Exhibit "7"	Counter Affidavit of Stephen Batzer Ph.D., P.E.	16, 17, 18, 19, 30, 31
Exhibit "8"	Patent No. US. D566,137 ("137 Patent").	18
Exhibit "9"	Patent No. US. 8,118,371 ("371 Patent").	19

4. Use Photos and Diagrams

Graphics clarify the written discussion. This is particularly true if tangible objects are at issue, such as in patent cases.

5. Use Permissible Hyperlinks

Hyperlinks may be internal to the document, such as table of contents; or to the filing, such as to exhibits filed simultaneously; to the record, to other documents already filed in the case; and to research resources. See [Attorney Guide to Hyperlinking](#). [WestInsertLinks](#), part of [West BriefTools](#) or [Shepards' Link](#), part of [Shepard's Brief Suite](#), automate research links. A [Word Add-In to Automate Cross-Document Hyperlinks](#) is also available to automate creation of links to documents already in the record. Research links and links to documents speed up review time for chambers. See [DUCivR 7-5](#) and http://www.utd.uscourts.gov/judges/nuffer_resources.htm#E-Research.

6. Attach deposition excerpts and other exhibits in text-based PDF format

If deposition excerpts and other exhibits are in text-based PDF format (see point no. 1) the document is easier to search and annotate and it is easier to copy text. Deposition transcript attachments should be created by output to PDF format from a word processing or text file provided by the reporter. If the deposition excerpts or exhibits are scanned, Optical Character Recognition should be run to recognize text. [Recognize text in Acrobat X](#).

7. Attach opinions in single column format (text based)

West and Lexis allow download of cases in single-column format, which is much easier to read on an iPad or computer than the traditional dual column format. Make sure the cases you attach are text based PDF documents, which Lexis and Westlaw also allow you to download – or you may convert to PDF from a word processing version. *It should never be necessary to scan an opinion for attachment to a brief.* If you use research hyperlinks (see point no. 5 above) no opinion attachments are needed.

8. Convert the document to PDF in a way that preserves hyperlinks

It is a shame to put a table of contents and research links in your Word document and then lose them because you Print to PDF, which does not save links. Save As PDF in Word 2010 and later, or the Acrobat Create PDF Ribbon in Word 2007 and later will preserve links. After you convert to PDF, verify that the document links still work. [Preserving Hyperlinks in PDF Conversion](#).

9. Change the properties of the PDF document so that the Initial View will show Bookmarks and the Page at the same time.

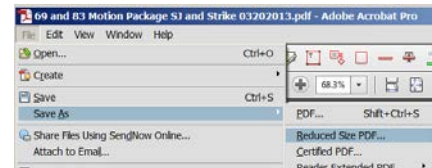
Most PDF creation programs have the ability to force the PDF document to open with the Bookmarks Panel showing. In Adobe Acrobat Standard and Pro, this is found on the File menu, Properties item, Initial View tab, Bookmarks Panel and Page.

10. Consider additional manual changes.

It is possible and appropriate to add internal links manually, and to add additional bookmarks. If you do not have access to the West and Lexis tools to create links to research links automatically, links may be created manually by using Word's tools. [Create, format or delete a hyperlink in MS Word 2010](#). [Attorney Guide to Hyperlinking](#). [Adding Bookmarks in Adobe Acrobat](#).

11. Save As Reduced Size PDF

As a last step before distribution of any PDF document, reduce its size by using [Save As Reduced Size PDF](#). You may accomplish a 50% or more size reduction.



12. Attach a proposed order in PDF format – and email it in word processing format to chambers.

“Proposed orders [etc.] shall be (i) prepared as word processing documents; (ii) saved in WordPerfect or Word format, and (iii) transmitted to the assigned judge via email. . . .

An additional copy . . . shall be saved as a PDF file and filed electronically as an attachment to the motion” [Admin E-Filing Procedures II. G. 1](#). The draft order makes clear what you want.

13. File attachments individually, with full descriptions

When filing in CM/ECF, take advantage of the ability to name your exhibits specifically rather than using generic names. This helps chambers identify and locate your exhibits and provides a cross-check to the index you included in the motion. (See point no. 3 above.) Cover pages for exhibits really are not of much help. Instead, consider a text box on the first page of the exhibit that labels the exhibit with its number and description.

Document Number: 36		32 pages	190 kb
Attachment	Description		
1	Appendix Exhibits	1 page	9 kb
2	Exhibit "A"	18 pages	339 kb
3	Exhibit "B"	14 pages	319 kb
4	Exhibit "C"	9 pages	204 kb
5	Exhibit "D"	5 pages	111 kb
6	Exhibit "E"	3 pages	18 kb
7	Exhibit "F"	4 pages	35 kb

Document Number: 19		6 pages	17 kb
Attachment	Description		
1	Exhibit 1 - Lawsuits for Asserted Patents	26 pages	97 kb
2	Exhibit 2 - Complaint AT&T, Verizon and EarthLink case	39 pages	1.1 mb
3	Exhibit 3 - Order Severing Claims	5 pages	52 kb