

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WILLIAM C. FRAZIER; FRAZIER
INDUSTRIES, INC.; AND AIRBURST
TECHNOLOGIES, LLC.,

Plaintiffs,

v.

LAYNE CHRISTENSEN COMPANY AND
PROWELL TECHNOLOGIES, LTD.,

Defendants.

ORDER

04-C-315-C

Plaintiffs have filed a letter dated July 24, 2006, in which they asked for an order vacating expressly the portions of the May 16, 2005, August 5, 2005 and September 29, 2005 orders concerning the claim construction. In addition, plaintiffs ask that the court enter an amended judgment reflecting the amount of sanctions and fees awarded to plaintiffs and acknowledging that a new order concerning claim construction has been entered.

Both requests will be DENIED. It is not necessary to vacate the portions of the earlier orders in which I discussed the claim construction issue. As I explained in the order entered on July 17, 2006, the change is immaterial to any issue remaining in the lawsuit.

Also, as defendants point out, it will be unfair to change the claim construction without allowing the parties an opportunity to be heard on the matter.

I see no reason to enter an amended judgment concerning the claim construction. I will enter an amended judgment incorporating whatever amount I deem proper to award to plaintiffs as sanctions, fees and costs.

Entered this 27th day of July, 2006.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge