

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

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HEWLETT PACKARD DEVELOPMENT  
COMPANY, L.P.,

Plaintiff,

v.

eMACHINES, INC.,

Defendant.

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ORDER

04-C-0789-C

Plaintiff Hewlett Packard Development Company, L.P., has moved for an order from the court staying consideration of defendant eMachines, Inc.'s motion to dismiss or transfer in order to allow resolution of defendant's proposed motion to dismiss on claim preclusion grounds. I agree with plaintiff that it makes sense to decide the claim preclusion issue first. Therefore, defendant eMACHINES, Inc., may have until January 7, 2005, in which to serve and file a brief in support of its position that plaintiff is precluded from raising any issues relating to the '604 and '976 patents in this case. Plaintiff may have until January 21,

2005, in which to serve and file a brief in response and defendant may have until January 31, 2005, in which to serve and file a reply brief.

Entered this 15th day of December, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge