

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

Z TRIM HOLDINGS, INC.,

Plaintiff,

v.

FIBERSTAR, INC.,

Defendant.

ORDER

06-C-361-C

A telephone conference was held in this case on November 29, 2006 before United States District Judge Barbara B. Crabb. Deanne Mazzochi, Adam Kelly and Lynn Stathas participated on behalf of plaintiff. Defendant was represented by Don Best.

I called the conference after defendant filed a motion to dismiss the case for lack of subject matter jurisdiction. The claims construction hearing is scheduled for Friday, December 1, 2006 and it seems a waste of time to proceed with that hearing if in fact plaintiff lacks standing to bring this suit.

After talking with counsel, I rescheduled the claims construction hearing for Friday, February 16, 2007. This will give the parties time to brief the issue of plaintiff's standing and the indispensability of the United States Department of Agriculture as a party.

Plaintiff's brief in opposition to the motion to dismiss for lack of subject matter jurisdiction is to be filed no later than December 18, 2006. Defendant's reply brief is to be filed no later than January 10, 2007.

If the motion to dismiss for lack of subject matter jurisdiction is denied, a prompt status conference will be held to consider further scheduling in this case.

Entered this 30th day of November, 2006.

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