

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

-----  
S.C. JOHNSON & SON, INC. and  
CONSULTORIA TECNICA E  
REPRESENTACOES, LDA,

Plaintiff,

v.

THE DIAL CORPORATION,

Defendant.  
-----

ORDER

07-cv-689-bbc

Defendant The Dial Corporation has moved for leave to file a partial summary judgment grounded on plaintiff's asserted failure to comply with 35 U.S.C. § 112, ¶¶ 2 and 4. Defendant believes that an early ruling on a motion for partial summary judgment might resolve this case and save the parties the time and expense of filing a complete motion for summary judgment.

Although I can appreciate the parties' interest in lessening their workload in this case, I find it hard to see how a prompt motion for partial summary judgment will relieve the parties of the need to prepare for another summary judgment motion. The deadline for filing summary judgment motions is July 18, 2008. Presumably, the parties are already



preparing those motions. In any event, it would be impossible for them to complete briefing on a partial summary judgment motion and obtain a decision from the court by July 18, 2008. Under the circumstances, it makes just as much sense to do all of the briefing on motions for summary judgment at one time, that is, in connection with the already-established deadline of July 18, 2008.

#### ORDER

Defendant The Dial Corporation's motion for leave to file a partial summary judgment motion for failure to comply with 35 U.S.C. § 112, ¶¶ 2 and 4 is DENIED.

Entered this 19th day of June, 2008.

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