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

SANDISK CORPORATION,

Plaintiff,

v.

KINGSTON TECHNOLOGY CO., INC.,
KINGSTON TECHNOLOGY CORP.,
IMATION CORP.,
IMATION ENTERPRISES CORP., and
MEMOREX PRODUCTS, INC.,

Defendants.

PRELIMINARY PRETRIAL CONFERENCE ORDER

10-cv-243-bbc

Before the court is plaintiff's motion to amend the pretrial order by postponing the trial for about three months and staying discovery in order to facilitate the mediation ordered by the Federal Circuit in the parties' previous lawsuits, 07-cv-605, 607. *See* dkt. 291. The Kingston defendants oppose this motion for a variety of reasons, one of which is their prediction that a stay won't help the mediation. *See* dkt. 296. That's enough by itself to deny the motion, but this court would have denied it anyway.

This is one of many patent lawsuits filed in this court in which none of the parties have any genuine connection to this district or this state. Obviously, plaintiff's decision to seek relief in the Western District of Wisconsin, as in its '07 lawsuits, was motivated by the "when" and "how" of this court's quick and strict procedures and policies for patent lawsuits. So, it is disingenuous for plaintiff now to observe that this case has "only" been pending since May 4, 2010 and there has been no prior request to extend the trial date. Dkt. 291 at 4. In the Rule 26(f) report, plaintiff suggested a trial date in August, 2011, recognizing the speed with which this court intended–and still intends–to resolve this lawsuit. Dkt. 65 at 1. Plaintiff also knew then, and knows now, that this court does not grant extensions of trial dates absent a clear need.

A plaintiff's suggestion, well over a year into the lawsuit that it chose to file here, that a stay might enhance the prospects of resolving *other* lawsuits does not constitute a clear need. This court's general policy is to deny stays requested for settlement purposes, even when all parties have joined the request. The judges in this court have been trying patent lawsuits for decades and the consensus is that a three month delay to accommodate a settlement attempt usually ends up being just a three-month delay, with the added cost of a failed settlement attempt, thus frustrating Rule 1 on every level.

This is all the more true when one of the parties objects to a stay, even more so when the objecting party is the defendant. Kingston doesn't want to push back resolution of this case in favor of what it predicts could be fruitless settlement negotiations, and this court won't make it. Kingston has the right to a prompt trial on the merits of SanDisk's claims against it.

ORDER

IT IS ORDERED that plaintiff's motion to amend the briefing schedule is DENIED in all respects. The current schedule remains in full effect.

Entered this 26th day of July, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge