

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

REMBRANDT DATA STORAGE, LP,

Plaintiff,

v.

SEAGATE TECHNOLOGY LLC,

Defendant.

ORDER

10-cv-693-bbc

REMBRANDT DATA STORAGE, LP,

Plaintiff,

v.

WESTERN DIGITAL CORPORATION,

Defendant.

ORDER

10-cv-694-bbc

Plaintiff Rembrandt Data Storage has filed a motion to consolidate the claim construction hearing in these two cases for patent infringement. Because there are several disputed claim terms that are common to both cases, I agree with plaintiff that it makes sense to put the two cases on parallel briefing schedules and hold one hearing at which all

may parties may be heard. This is the best way to prevent inconsistent constructions and insure that neither defendant is prejudiced by arguments raised in the other case.

Because the deadline for the opening brief in case no. 10-cv-693-bbc has passed, I will put both cases on the briefing schedule for case no. 10-cv-694-bbc and cancel the claim construction hearing scheduled for case no. 10-cv-693-bbc. In addition, because of a conflict in the court's schedule with respect to the August 19, 2011 hearing scheduled for case no. 10-cv-694-bbc, that hearing must be rescheduled as well. The new hearing will be four and a half hours rather than the typical three hours, to accommodate the additional party.

ORDER

IT IS ORDERED that

1. Plaintiff Rembrandt Data Storage's motion to consolidate the claim construction proceedings is GRANTED. From this point on, the parties should file all documents related to claim construction in both case no. 10-cv-693-bbc and case no. 10-cv-694-bbc.

2. The briefing schedules for both cases shall follow the schedule in case no. 10-cv-694-bbc. That is, opening briefs are due July 15, 2011 and response briefs are due August 5, 2011. (The parties in case no. 10-cv-693-bbc may file new opening briefs or stand on those they already filed.) With respect to those claim terms that are common to both cases, the parties are free to respond to any argument raised by any other party.

3. The claim construction hearings scheduled for July 29, 2011 and August 19, 2011, are CANCELED.

3. The clerk of court is directed to schedule a prompt telephone conference before the magistrate judge to determine a new date for the consolidated claim construction hearing. Preferably, the parties will choose the morning of August 24, August 25 or August 26. In addition, if the parties believe that adjustments to the rest of the schedule in case no. 10-cv-693-bbc are necessary, they may raise that issue with the magistrate judge at that time.

Entered this 6th day of July, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge