

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

SCA TISSUE NORTH AMERICA, LLC,

Plaintiff,

v.

TARZANA ENTERPRISES, LLC,

Defendant.

ORDER

11-cv-316-bbc

Defendant Tarzana Enterprises, LLC filed an emergency motion to stay the deadline for exchange of patent claim terms and proposed constructions that was scheduled for October 7, 2011. Dkt. #69. It filed a motion to withdraw that motion as moot, dkt. #71, because the October 7 deadline passed before the court had ruled on the motion. Now defendant has filed another motion, dkt. #72, requesting that the court stay the deadline for exchange of the parties' *supplemental* and *amended* claim terms and proposed constructions currently scheduled for October 21, 2011. Defendant asks that the deadline be stayed until the court rules on its potentially dispositive motion for summary judgement.

I will deny the motion. I do not know at this stage whether the summary judgment motion will resolve the case and thus, the parties must follow the schedule set forth in the

Preliminary Pretrial Conference Order, dkt. #23, and the July 28, 2011 scheduling order, dkt. #24. Further, given the fact that defendant contends that the case should be resolved with the construction of one term, the requirement to exchange supplemental or amended claim terms should not pose an unreasonable burden for defendant.

ORDER

IT IS ORDERED that

1. Defendant Tarzana Enterprises, LLC's motion to stay exchange of supplemental and amended terms for claim construction, dkt. #72, is DENIED.

Entered this 11th day of October, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge