

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

ULTRATEC, INC. and CAPTEL, INC.,

Plaintiffs,

v.

SORENSEN COMMUNICATIONS, INC.
and CAPTIONCALL, LLC,

Defendants.

ORDER

13-cv-346-bbc

A telephone hearing on the motion filed by defendants Sorenson Communications, Inc. and CaptionCall, LLC to continue or reschedule the trial, dkt. #196, was held in this case on June 26, 2014. All parties were represented by counsel.

Defendants believe that the trial date should be moved until after the Patent Trial and Appeal Board has ruled on the *inter partes* review of the nine patents at issue in this case. Defendants filed an earlier motion to stay, arguing that the board was going to review some of the patents in issue; that motion was denied. They filed the new motion after the board agreed to review all nine patents, arguing that it is no longer a matter of speculation whether the board will issue a decision on the patents' validity and it must do so by mid-March 2015. Nevertheless, as plaintiffs Ultratec, Inc. and CapTel, Inc. pointed out, it is still unknown when any decision will be *final* because the board may petition for an extension of time to reach its decision and because the board's decision may be appealed to the Court of Appeals

for the Federal Circuit. Because it may take several years for a final decision in the patent review process and because the case is scheduled for trial in less than four months and for other reasons discussed in the hearing, I denied defendants' motion.

ORDER

IT IS ORDERED that the motion filed by defendants Sorenson Communications, Inc. and CaptionCall, LLC, *dk. #196*, to continue the trial date pending the Patent Trial and Appeals Board's *inter partes* review decision, is DENIED.

Entered this 7th day of July, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge