

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

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MONROE TRUCK EQUIPMENT, INC.,

Plaintiff,

v.

UNIVERSAL TRUCK EQUIPMENT, INC.,

Defendant.

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ORDER

14-cv-49-jdp

Defendant, Universal Truck Equipment, Inc., has filed a motion to strike the supplemental infringement contentions of plaintiff, Monroe Truck Equipment, Inc. Dkt. 26. Plaintiff's opposition is due August 18, 2014. The court will hold a telephonic hearing on the motion on August 19, 2014, at 3:00 p.m. Counsel for defendant is responsible for initiating the call to chambers at (608) 264-5504. The deadline for the reply, currently set for August 25, 2014, will be taken off the calendar as unnecessary.

The parties should be prepared to answer the following three questions:

1. What is plaintiff's justification for the late assertion of Claims 2-14 of the '376 patent?
2. Does the plaintiff have any realistic theory of infringement under the Doctrine of Equivalents, and how has it disclosed any such theory to defendant?
3. Given that the defendant must already search for prior art to invalidate Claim 1 of the '376 patent, what actual prejudice would defendant face in including in its search art pertinent to dependent Claims 2-14?

The court will have carefully reviewed the parties' submissions prior to the hearing, so they should be prepared to answer questions rather than to give formal presentations. The court will likely rule on defendant's motion at the hearing.

Dated this 12 day of August, 2014.

BY THE COURT:

/s/

JAMES D. PETERSON

District Judge