

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

Defendants Sorenson Communications, Inc. and CaptionCall, LLC have filed an emergency motion to amend or correct this court's May 13, 2015 order, dkt. #876, granting their motion to stay all proceedings in this case until any appeal of the Patent Trial and Appeal Board's final decisions is completed and dismissing the parties' post verdict motions without prejudice to the parties' renewing the motions if necessary after the resolution of the appeal. Dkt. #877. Under the current automatic briefing schedule, plaintiffs Ultratec, Inc. and CapTel, Inc. have until May 27, 2015 to respond.

In light of defendants' concerns, I intend to issue the following order pending any further objections from the parties:

1. Paragraph 3 on page 12 of this court's order entered on May 13, 2015, is VACATED to the extent it dismisses the parties' post-trial motions, dkt. ##700, 713, 744, 746, 748, 750, 752, 754, 763, 764, 768, 822, 835 and 854.
2. The post-trial motions, dkt. ##700, 713, 744, 746, 748, 750, 752, 754, 763, 764, 768, 822, 835 and 854, are REINSTATED as of May 13, 2015, and shall be treated for all purposes as if they never were dismissed. The court did not intend to dispose of the parties' post-trial motions and has not done so.

They remain pending subject to the stay ordered in the May 13, 2015 order.

3. The May 13, 2015 order shall be amended to add the following new paragraphs 3, 4 and 5:

3. The Clerk of Court shall close this case administratively while the parties exhaust their appellate rights with respect to the Patent Trial and Appeal Board's decisions.

4. This order does not resolve or dispose of the post-verdict motions currently pending before the court, dkt. ##700, 713, 744, 746, 748, 750, 752, 754, 763, 764, 768, 822, 835 and 854, under Fed. R. App. P. 4(a)(4). Those motions remain pending subject to the stay issued in this order on May 13, 2015.

5. If any party wishes to reopen this case following appeal, that party must advise the court and the other parties by filing a written motion to reinstate within 30 days of the Patent Trial and Appeal Board's decisions becoming final and unappealable.

ORDER

IT IS ORDERED that

1. The parties shall have until 9:00 a.m. on May 27, 2015, to respond to the court's proposed corrections and amendment to its May 13, 2015 order.

2. Plaintiffs' new deadline for responding to the emergency motion filed by defendants, dkt. #877, is 9:00 a.m. on May 27, 2015.

Entered this 21st day of May, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge