

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

JOHN MEZZALINGUA ASSOCIATES, INC.
d/b/a PPC, INC.,

Plaintiff,

v.

ARRIS INTERNATIONAL, INC.,

Defendant.

ORDER

03-C-353-C

JOHN MEZZALINGUA ASSOCIATES, INC.
d/b/a PPC, INC.,

Plaintiff,

v.

CORNING GILBERT, INC.,

Defendant.

ORDER

03-C-354-S

These are two patent infringement suits filed separately on July 1, 2003. Plaintiff has moved to consolidate the cases and both defendants oppose the motion. I am not persuaded that consolidation is appropriate at this time. Although plaintiff argues that both cases

involve the same patent, it has not demonstrated a danger that a failure to consolidate the cases will result in inconsistent judgments. As defendant Arris International points out, the devices of Arris and defendant Corning Gilbert are not the same. Plaintiff has not argued that a court will have to construe the same terms in the patent to determine whether each defendant is liable for infringement. Furthermore, I am not persuaded that it is efficient or fair to involve each defendant in the discovery process of the other, particularly when sensitive information may be uncovered. The issue is further complicated by both defendants' motions to transfer these cases to other districts. Although I do not decide these motions now, the fact that one or both of these cases may be more appropriately decided in another venue counsels against consolidation at this time. Accordingly, IT IS ORDERED that plaintiff's motion to consolidate case nos. 03-C-353-C and 03-C-354-S is DENIED.

Entered this 15th day of July, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge