

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

---

COUNTY MATERIALS CORPORATION,

Plaintiff,

v.

ALLAN BLOCK CORPORATION,

Defendant.

---

ORDER  
05-C-675-S

Defendant's notice of motion and motion to strike evidence and argument related to the existence or nonexistence of patent infringement came on to be heard by telephone in the above entitled matter on March 29, 2006, the plaintiff having appeared by Michael Best & Friedrich by John C. Scheller and Jon G. Furlow; defendant by Quarles & Brady by Emily M. Feinstein and Fredrickson & Byron by James Mayer. Honorable John C. Shabaz, District Judge, presided.

Plaintiff argues that simply because there is no claim for patent infringement does not mean that there is not an issue of non-infringement (or infringement). Were plaintiff correct, it is to no avail having waived the pursuit of patent infringement in agreeing to that order entered by the Court in this matter on March 8, 2006.

Accordingly,

ORDER

IT IS ORDERED that defendant's motion to strike is GRANTED.

Entered this 29th day of March, 2006.

BY THE COURT:

s/

---

JOHN C. SHABAZ  
District Judge