

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

RALPH F. DURDIN and
RICHARD J. DIOTTE,

Plaintiffs,

v.

KURYAKYN HOLDINGS, INC.,

Defendant.

ORDER

06-C-0039-C

This is a civil action for infringement of a design patent. On June 8, 2006, defendant filed a motion for summary judgment that the court denied on July 26, 2006. The deadline for filing dispositive motions in this case passed on August 4, 2006. Now defendant has filed a motion for leave to file a second motion for summary judgment. Defendant gives no legitimate reason why it should now be granted leave to file a second, untimely motion. Instead, it asserts that the court's July 26, 2006 order construing plaintiffs' claims and denying defendant's first motion for summary judgment provides general grounds for this request. Defendant argues that the court's order construing plaintiff's claims establishes invalidity as a matter ripe for resolution via summary judgment. Even if this is true,

defendant still had nine days after the issuance of the July 26, 2006 order before the deadline for filing dispositive motions lapsed. Because the deadline for filing dispositive motions passed over three weeks before defendant filed this request for leave to file a second motion for summary judgment, and because defendant provides no reason for this delay, its motion will be denied as untimely.

ORDER

IT IS ORDERED that defendant's motion for leave to file motion for summary judgment is DENIED as untimely.

Entered this 5th day of September, 2006.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge