

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

GARMIN LTD.,

Plaintiff,

v.

TOMTOM, INC.,

Defendant.

ORDER

06-C-62-C

On June 9, 2006 this court held a recorded telephonic conference to resolve the pending discovery motions and address scheduling concerns. Both sides were represented by counsel.

First, I moved the claims construction date from June 16, 2006 to July 21, 2006 at 9:00 a.m. The parties' submissions for the hearing must be filed and served not later than July 17, 2006 at noon.

Garmin's motion to sever the infringement counterclaims now is under advisal to the court and on the front burner for decision. In the event the court denies the motion, the parties should be prepared to proceed apace with the counterclaims on the current schedule. In the event the court grants the motion, I set April 30, 2007 as firm trial date, to which all counsel agreed. The court will hold a follow-up scheduling conference to fill in interstitial dates in the event we need them.

After discussing the pending discovery motions (dkts. 29, 34, 35 and 36) with both sides, I denied them all without prejudice as moot. I advised the parties of this court's "everything yesterday" philosophy toward discovery disputes that are brought to its attention. I expressed irritation that the parties still were quibbling over the terms of a protective order and any moratorium on patent prosecution by opposing counsel. These are predictable disputes that could have and should have been addressed months ago. The parties have until June 16, 2006, within which to submit a stipulated protective order to the court. The same deadline applies to any motion regarding patent prosecution prohibitions. The response to any such motion must be filed and served within five calendar days, with three calendar days to reply (or noon the next day the court actually is open for business). In light of our conversation, counsel for both sides recommitted to addressing all pending and future discovery quickly and completely and to bringing any disputes to the court's attention promptly so that we can keep this case (or these cases) moving efficiently and fairly toward trial.

The parties had no other substantive matters to bring to the court's attention.

Entered this 9th day of June, 2006.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge