

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

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RICOH COMPANY, LTD.,

Plaintiff,

v.

QUANTA COMPUTER, INC., QUANTA
STORAGE, INC., QUANTA COMPUTER
USA, INC., NEW UNIVERSE TECHNOLOGY,
INC. and NU TECHNOLOGY, INC.,

Defendants,

and

QUANTA STORAGE, INC.,

Third-Party Plaintiff,

v.

PHILIPS TAIWAN, LTD. and
BUSINESS LINE DATA, PHILIPS OPTICAL STORAGE,

Third-Party Defendants.

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Two motions for summary judgment have been filed in this case, one by defendants
Quanta Storage, Inc., Quanta Computer Inc., Quanta Computer USA, Inc. and Nu

Technology and one by third-party defendants Philips Taiwan, Ltd. and Business Line Data, Philips Optical Storage. Defendants' motion is ripe; third-party defendants' motion will be fully briefed on August 2. However, before I can decide these motions, I must resolve plaintiff Ricoh Company Ltd.'s motion for "relief" under Fed. R. Civ. P. 56(f).

In the motion, plaintiff says that it needs more time to respond to third-party defendants' motion for summary judgment because it has several outstanding discovery requests against Philips that are relevant to whether Philips is entitled to summary judgment. Plaintiff filed its Rule 56(f) motion more than two months ago on May 2, approximately 10 days after third-party defendants filed their motion for summary judgment. After third-party defendants filed a brief in opposition to plaintiff's motion but before plaintiff filed a reply, plaintiff and third-party defendants informed the court that they wanted a stay on the Rule 56(f) motion "to allow adequate time for the parties to negotiate . . . an amicable resolution of their dispute." Dkt. #229, at 2. More than one month later, on June 28, the parties informed the court they had "been unable to resolve this dispute" and therefore needed a ruling from the court.

The ruling is that plaintiff's Rule 56(f) motion will be denied. To the extent plaintiff needed additional evidence as of May 2, it has either acquired that evidence in discovery or it has not acquired that evidence as a result of failing to move to compel discovery. In any event, there is no reason to further delay third-party defendants' motion for summary

judgment.

ORDER

The motion filed under Fed. R. Civ. P. 56(f) by plaintiff Ricoh Company Ltd. is
DENIED.

Entered this 17th day of July, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge