

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

SILICON GRAPHICS, INC.,

Plaintiff,

v.

ATI TECHNOLOGIES ULC,

Defendant,

and

ATI TECHNOLOGIES ULC,

Counterclaim Plaintiff,

v.

SILICON GRAPHICS, INC.,

Counterclaim Defendant.

ORDER

06-C-611-C

This is a patent case involving computer systems for performing advanced graphics processing. Defendant ATI has counterclaimed against plaintiff SGI; plaintiff responded with a motion to strike ATI's affirmative defenses (dkt. 20), motion to dismiss or strike ATI's counterclaims (dkt. 21) and motion to strike certain pleadings (dkt. 22). ATI timely responded, and, as it predicted at the pretrial conference, it moved for leave to submit and rely on documents outside the pleadings (dkt. 23), specifically the documents attached to the January 22, 2007 Mayer affidavit (dkt. 26).

It appears that the documents proffered by ATI are relevant to a decision on SGI's motions. Therefore, Pursuant to Rule 12(c), the court grants leave to ATI to submit and rely

upon these documents. Pursuant to Rule 12(c), this technically converts the pending motions to motions for summary judgment pursuant to Rule 56. That being so, under these circumstances, the court will not require the parties to comply with its written summary judgment procedure. In its reply, SGI may, if it wishes, submit relevant documents or affidavits. SGI's reply deadline is extended to February 2, 2006.

Entered this 24th day of January, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge