

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

EXTREME NETWORKS, INC.,

Plaintiff,

v.

ENTERASYS NETWORKS, INC.,

Defendant.

ORDER

07-cv-229-bbc

This case is on remand from the Court of Appeals for the Federal Circuit to resolve defendant Enterasys Networks, Inc.'s counterclaim that plaintiff Extreme Networks, Inc. is infringing U.S. Patent No. 5,195,181. The court of appeals concluded that defendant's counterclaim must be reevaluated in light of that court's construction of the term "digest" to mean "a collection of information."

Now before the court is defendant's "motion to preclude additional invalidity and noninfringement expert reports." Dkt. #527. Although the title of the motion is broad, the only issue defendant raises is whether plaintiff should be permitted to file a new expert report to address the court of appeals' claim construction. I am skeptical of plaintiff's argument that it could not have anticipated the ruling of the court of appeals, but I will allow

plaintiff to modify its report because defendant does not identify any prejudice that it will suffer as a result of the new report.

ORDER

IT IS ORDERED that defendant Enterasys Networks, Inc.'s "motion to preclude additional invalidity and noninfringement expert reports," dkt. #527, is DENIED. The deadlines set in the magistrate judge's February 3, 2011 scheduling order, dkt. #513, remain the same.

Entered this 18th day of May, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge