

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

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FUJITSU LIMITED, *et al.*,

Plaintiffs,

v.

NETGEAR, INC.,

Defendant and Third Party Plaintiff,

v.

MARVELL SEMICONDUCTOR INC.,

Third Party Defendants.

ORDER

07-cv-710-bbc

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On September 22, 2008, plaintiffs wrote to ask that for a ruling on defendant's motion for protection from plaintiffs' myriad requests for admission (RFAs) docketed as 164. *See* dkt. 214. I had deferred a ruling until the district judge decided the parties' dispute over grouping the claims. On September 10, 2008, Judge Crabb denied plaintiffs' motion to group the claims at this time. *See* dkt. 202.

In light of this, defendant is not entitled to protection from plaintiffs' RFAs. Defendant was justified in opposing grouping the claims, but having prevailed on that front, it cannot now prevent defendants from running the equivalent of a 4000-point checklist past the defendant. It won't be quick or easy, but there is no more efficient method by which plaintiffs can adduce the information needed to impose some structure on this sprawling patent lawsuit.

Plaintiffs also ask permission to rely on any admissions or denials in their experts' reply reports in the event that defendant does not provide its RFA responses by September 30, 2008, three days before opening expert reports are due. Given the Herculean efforts that defendant claims will be required to respond to the RFAs, I don't think anyone seriously expects a complete set of responses by next Tuesday. Even so, I will not provide a prospective ruling on this point.

Plaintiffs may renew this request in a motion filed upon receipt of answers to their RFAs. After hearing from both sides, the court will do whatever justice requires.

It is ORDERED that defendant's motion for protection from discovery is DENIED. The clock on defendant's 30 days to respond to plaintiffs' pending RFAs starts running again tomorrow, September 25, 2008.

Entered this 24<sup>th</sup> day of September, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge