

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

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

On November 19, 2008, this court held a recorded telephonic hearing on defendant's motion to compel (dkt. 254) and plaintiffs' mirror-image motion for protection (dkt. 276). As discussed in more detail on the record, each motion is granted in part and denied in part and each side will bear its own costs on this motion.

Given where we already have been and where we appear to be headed in this particular patent lawsuit, the court has determined that the current schedule no longer is efficacious. Over plaintiff's objection, the court *sua sponte* struck the current calendar and offered the parties new trial dates of August 24, August 31 or September 7, 2009. Not later than November 26, 2008, the parties must report back to the court, jointly or singly, their preferred trial date. Once the new date has been established, additional dates will be set. The parties should anticipate a new summary judgment motion deadline in mid-February 2009. If plaintiff believes it can establish actual prejudice from this extension of the schedule – as opposed to the loss of a perceived tactical advantage over defendant – it may file a motion asking for reconsideration, supported by non-conjectural facts.

The parties are directed to meet and confer again to narrow defendant's overly-broad Rule 30(b)(6) notices to the plaintiffs. The court remains available to resolve disputes remaining

after the parley. Plaintiffs, having chosen this forum, must either present their 30(b)(6) witnesses in Madison, Wisconsin or absorb the costs incurred by defendant's attorneys traveling to some other location for the corporate depositions. The court leaves it to both sides to negotiate locations, dates and terms in good faith.

Entered this 20th day of November, 2008.

BY THE COURT:
/s/
STEPHEN L. CROCKER
Magistrate Judge