

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

WNS HOLDING, LLC and
MARK ALAN EBERWINE,,

Plaintiffs,

v.

NORTHWEST AIRLINES, INC.,

Defendant.

ORDER

08-cv-305-bbc

This is a patent infringement lawsuit. On January 16, 2009, defendant Northwest Airlines, Inc. filed a motion requesting construction of two claims. Dkt. #36. Defendant noted that it does not believe that a claims construction hearing is necessary. Plaintiffs WNS Holding, LLC and Mark Eberwine have responded to defendant's proposed construction. Dkt. #38. Plaintiffs contend that "a hearing would assist the parties and the Court with construing the disputed claims." Id. at 1. The court's preliminary pretrial conference order explains that to obtain a claims construction hearing a party must "specify which terms require a hearing and provide grounds why a hearing actually is *necessary* for each specified term." Dkt. #26 at 2 (emphasis added). Defendant believes that a hearing

is not necessary and plaintiffs bare statement that a hearing would assist in construction of the disputed claims does not persuade me to believe that a hearing actually is necessary. Thus, no claims construction hearing will be held. Instead, the two disputed claim terms will be construed using the parties' claims construction submissions.

ORDER

IT IS ORDERED that no claims construction hearing will be held. The two disputed claim terms will be construed using the parties' claims construction submissions.

Entered this 19th day of February, 2009.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge