

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

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ENERGIZER HOLDINGS, INC.,  
EVEREADY BATTERY CO., INC.,

Plaintiffs,

v.

SPECTRUM BRANDS, INC.,  
a Wisconsin Corporation,

Defendant.

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ORDER

08-cv-431-bbc

Plaintiffs Energizer Holdings, Inc. and Eveready Battery Co., Inc. have moved for a preliminary injunction against defendant Spectrum Brands, Inc., preventing defendant from importing, selling, offering for sale, supporting or distributing primary lithium batteries pending a final decision on plaintiffs' claims of infringement of two of their patents. A hearing was set on the motion but has been rescheduled twice. Now, defendant has moved for yet another extension of time for the hearing, alleging that despite diligent efforts to prepare for the hearing on September 12, 2008, it has been unable to review the vast array of documents turned over to it by plaintiffs and has had difficulty arranging for a deposition of plaintiff's expert.

Although I can appreciate plaintiffs' interest in a prompt hearing, the scope of the order they are seeking and the complexity of the issues persuade me that a short extension of time is appropriate, particularly in view of the fact that defendant has agreed not to offer any of its allegedly infringing products for sale before December 31, 2008. Therefore, the hearing on the motion for preliminary injunction will be continued until Friday, September 26, 2008 at 9:00 a.m.

#### ORDER

IT IS ORDERED that defendant Energizer's motion for a continuance of the hearing on plaintiffs' motion for preliminary injunction is GRANTED. The hearing will be held on September 26, 2008 at 9:00 a.m. Defendant is to file and serve its brief and any supporting documents in opposition to the motion no later than September 22, 2008.

Entered this 5th day of September, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge