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8	UNITED STATES DISTRICT COURT
9	EASTERN DISTRICT OF CALIFORNIA
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11	WORDTECH SYSTEMS, INC., No. 2:04-cv-01971-MCE-EFB
12	Plaintiff,
13	v. <u>Order</u>
14	INTEGRATED NETWORK SOLUTIONS, INC., et al.,
15	Defendants.
16	00000
17	
18	Plaintiff Wordtech Systems, Inc. ("Wordtech"), filed this
19	patent infringement action on September 22, 2004. A jury in this
20	Court found Defendants INSC, Nasser Khatemi and Hamid Assadian
21	each liable to Wordtech for direct infringement, contributory
22	infringement, and inducement of infringement involving technology
23	for automated duplication of compact discs. Defendants appealed
24	to the Federal Circuit, which reversed this Court's denial of
25	Defendants' Motion for New Trial and remanded "for a new trial on
26	damages" and "for consideration of whether a new trial is
27	warranted on [Defendants'] individual liability for direct
28	infringement, inducement, and contributory infringement."
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1 Wordtech Systems, Inc. v. INSC, 609 F.3d 1308, 1317, 1322 (Fed.
2 Cir. 2010). This Court was instructed to address, among other
3 things, "the issues of piercing INSC's corporate veil and INSC's
4 corporate status" and "whether Wordtech preserved these arguments
5 for trial." Id. at 1317-18.

The Court has reviewed the Joint Status Report subsequently 6 7 filed by Wordtech and the Individual Defendants.¹ Having considered the decision of the Federal Circuit and the entire 8 9 record in this case, the Court now bifurcates this action for further proceedings. In phase one, the Court will resolve the 10 question of which issues warrant a new trial before proceeding to 11 phase two, in which the Court will hold a trial on any of those 12 remaining issues and damages. Accordingly, IT IS HEREBY ORDERED 13 that: 14

 Wordtech's Opening Brief as to individual liability, corporate validity and infringement, including whether those issues identified by the Federal Circuit were preserved for trial, shall be filed not later than thirty (30) days following the date this Order is electronically filed.²

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2. The Individual Defendants' Opposition briefs on the above issues shall be filed not later than thirty (30)

¹ INSC did not join in that filing since the entity is currently unrepresented by counsel. <u>See</u> E.D. Cal. Local Rule 183(a) ("A corporation or other entity may appear only by an attorney.").

² Let it be clear that the Court wants to know which issues should be re-tried. As this Court stated in its prior Memorandum and Order, this is not an opportunity for the parties to file dispositive motions on the merits. See ECF No. 437. days following the date Wordtech's Opening Brief is electronically filed.

- 3. Wordtech's Reply Brief on the above issues shall be filed not later than fifteen (15) days following the date the Individual Defendants' Opposition is electronically filed.
- 4. The Court will not entertain oral argument in the first phase of these proceedings unless a hearing is set by further order of this Court.
- 5. The Opening Brief and Oppositions shall not exceed twenty (20) pages each, and the Reply brief shall not exceed ten (10) pages.
- 6. Not later than forty-five (45) days following the date this Order is electronically filed, INSC is directed to file an association of counsel with the Court. Failure to comply with this Order will result in sanctions, up to and including the striking of INSC's Answer to Wordtech's First Amended Complaint. <u>See</u> E.D. Cal. Local Rule 110.

IT IS SO ORDERED.

Dated: March 27, 2012

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MORRISON C. ENGLAND, (R.) UNITED STATES DISTRICT JUDGE

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