



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.

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

- 15 1. Wordtech's Opening Brief as to individual liability,  
16 corporate validity and infringement, including whether  
17 those issues identified by the Federal Circuit were  
18 preserved for trial, shall be filed not later than  
19 thirty (30) days following the date this Order is  
20 electronically filed.<sup>2</sup>
- 21 2. The Individual Defendants' Opposition briefs on the  
22 above issues shall be filed not later than thirty (30)

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24 <sup>1</sup> INSC did not join in that filing since the entity is  
25 currently unrepresented by counsel. See E.D. Cal. Local Rule  
26 183(a) ("A corporation or other entity may appear only by an  
attorney.").

27 <sup>2</sup> Let it be clear that the Court wants to know which issues  
28 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.

1 days following the date Wordtech's Opening Brief is  
2 electronically filed.

3 3. Wordtech's Reply Brief on the above issues shall be  
4 filed not later than fifteen (15) days following the  
5 date the Individual Defendants' Opposition is  
6 electronically filed.

7 4. The Court will not entertain oral argument in the first  
8 phase of these proceedings unless a hearing is set by  
9 further order of this Court.

10 5. The Opening Brief and Oppositions shall not exceed  
11 twenty (20) pages each, and the Reply brief shall not  
12 exceed ten (10) pages.

13 6. Not later than forty-five (45) days following the date  
14 this Order is electronically filed, INSC is directed to  
15 file an association of counsel with the Court. Failure  
16 to comply with this Order will result in sanctions, up  
17 to and including the striking of INSC's Answer to  
18 Wordtech's First Amended Complaint. See E.D. Cal.  
19 Local Rule 110.

20 IT IS SO ORDERED.

21 Dated: March 27, 2012

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24 MORRISON C. ENGLAND, JR.  
25 UNITED STATES DISTRICT JUDGE  
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