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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVEN ROTH,

No C 08-2156 VRW

Plaintiff,

ORDER

v

LOOS & COMPANY, INC and SEISMIC  
SOLUTIONS, INC,

Defendants.

\_\_\_\_\_ /

In the parties' case management statement, defendants stated that "there is no prejudice to plaintiff's rights if the RS1 clips are not marked." Doc # 43 at 4. This appears inconsistent with 35 USC § 287(a), which places an additional burden on a patentee in an infringement suit if the material is not marked. Counsel are directed to be prepared to explain the statement at the case management conference scheduled for April 2, 2009 at 3:30 PM.

IT IS SO ORDERED.



\_\_\_\_\_  
VAUGHN R WALKER  
United States District Chief Judge

United States District Court  
For the Northern District of California