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

CONCEPTUS, INC.,

No. C 09-02280 WHA

Plaintiff,

v.

**ORDER DENYING
REQUEST FOR
CASE STATUS
TELECONFERENCE**

HOLOGIC, INC.,

Defendant.

In accordance with the parties' stipulated request, the February 2011 trial and pretrial conference dates were vacated pending decisions by the United States Supreme Court in two patent cases. A case management conference was set for June 30 with the instruction that new dates for the trial and pretrial conference would be set at that time. The parties, however, were invited to request an earlier conference "[i]f both patent cases are decided by the Supreme Court before June." The parties also were advised that "a trial date in July or August is possible but may be problematic due to an impending trial in a lengthy gang prosecution that is likely to extend into the summer" (Dkt. No. 359).

By way of letter, plaintiff now requests "a brief case status teleconference" to set a trial date. Plaintiff explains that a firm trial date would facilitate efficient trial preparation, including coordination of witness travel schedules. Plaintiff represents that defendant "declined to join in this request" (Dkt. No. 370). Plaintiff's request fails for several reasons.

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First, letters are not the proper way to communicate with the Court. Any relief sought should be requested by way of a proper motion pursuant to the applicable rules.

Second, teleconferences are not feasible with the courtroom equipment presently available.

Third, good cause has not been shown to expedite the setting of a trial date. Plaintiff does not report that the controlling Supreme Court cases have been decided.

Fourth, identifying “the earliest possible [trial] date convenient for the Court” as plaintiff requests would be difficult at this time due to intervening criminal matters. The parties are advised that the lengthy criminal trial to which the December 22 order alluded is now underway and is expected to last several more months. Accordingly, a trial date in July or August now seems unlikely.

Plaintiff’s request is **DENIED**. The case management conference set for June 30, 2011, remains on calendar, and the new trial date will be set at that time.

IT IS SO ORDERED.

Dated: April 14, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE