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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SPEEDTRACK, INC.,

Plaintiff,

v.

WALMART.COM, et al.,

Defendants.

No. C 06-7336 PJH

**ORDER DENYING PLAINTIFF'S
MOTION TO PRECLUDE DEFENDANTS
FROM RELYING ON CONTENTIONS
NOT DISCLOSED IN FINAL INVALIDITY
CONTENTIONS**

Plaintiff's motion to preclude defendants from relying on contentions not disclosed in final invalidity contentions came on for hearing before the court on October 29, 2008. Plaintiff Speedtrack, Inc. appeared through its counsel Omer Salik. Defendant Wal-Mart Stores, Inc. and intervenor Endeca Technologies, Inc. (collectively "defendants") appeared through their counsel, Andrew Leibnitz. Having read the parties' papers and carefully considered their arguments and the relevant legal authority, the court hereby DENIES plaintiff's motion. Defendants' final invalidity contentions (a) sufficiently disclose the Cochran patent as an anticipating reference; and (b) set forth with reasonably specificity the combination of prior art references that allegedly render plaintiff's patent obvious. No violation of the patent local rules has therefore been committed.

As noted at the hearing, however, in advance of the filing of any dispositive motions defendants must disclose every combination of prior art they intend to rely on at trial, so as to provide plaintiff with reasonable notice.

IT IS SO ORDERED.

Dated: October 30, 2008



PHYLLIS J. HAMILTON
United States District Judge

United States District Court
For the Northern District of California