

1 Pursuant to ADR Local Rule 7-3, plaintiff Alexx, Inc. (“Alexx”) and defendant Triple C
2 Designs, Inc. (“Triple C”), hereby jointly request a settlement conference before a magistrate
3 judge (or judge) in accordance with Civil Local Rule 7. The parties participated in an ADR
4 Phone Conference with ADR Program Staff Attorney Robin W. Siefkin on December 21, 2010.

5 **Background and Procedural History**

6 This is an action for patent infringement that was filed on September 2, 2010. The two
7 related patents at issue are not complex and relate to a device called a “key locator” for holding
8 keys on the edge of a purse or other bag so that they may be readily located. Shortly after the
9 case was filed, defendant’s counsel contacted plaintiff’s counsel and informed him that Triple C
10 had stopped selling the accused product before the case was filed. The parties then actively
11 engaged (through counsel) in settlement discussions. Substantial progress was made toward
12 settlement based on information provided by Triple C to Alexx’s counsel. Unfortunately, an
13 impasse was reached in November 2010.

14 The parties’ undersigned counsel continue to believe that a prompt settlement is possible,
15 and seek to use the Court-sponsored ADR process toward achieving that end. In particular, on
16 November 22, 2010, the parties filed a joint stipulation to postpone the initial Case Management
17 Conference (“CMC”) until after completion of the Court-sponsored ADR process. On
18 November 23, 2010, the Court continued the CMC to February 22, 2011.

19 **Joint Request for Settlement Conference**


20 ADR Local Rule 7-3 provides that “[f]or cases assigned to the ADR Multi-Option
21 program, at any time after the ADR phone conference, a party may file with the assigned judge a
22 request for a settlement conference, pursuant to Civil L.R. 7.” The ADR phone conference was
23 held on December 21, 2010. The parties continue to agree that a settlement conference with a
24 judicial officer presents the best possibility for overcoming the impasse reached in the parties’
25 settlement discussions, and achieving a prompt settlement. Moreover, in view of the discussions
26 that have already taken place, and the relative simplicity of the subject matter and remaining
27 issues, the parties believe that commitment of a small amount of time by a judicial officer will
28 materially advance this case towards settlement.

1 In view of the foregoing, the parties respectfully request that the Court order a settlement
2 conference with a magistrate judge (or judge) to occur at the earliest possible date, and in
3 advance of the initial CMC (currently set for February 22, 2011).
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5 **PURSUANT TO STIPULATION, IT IS SO ORDERED** that the parties' request for a
6 settlement conference with a magistrate judge in accordance with Civil Local Rule 7 is hereby
7 **GRANTED.**

8 The settlement conference shall be scheduled **as soon as is convenient to the assigned**
9 **Magistrate Judge's calendar.**

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11 Dated this **23rd** day of **December**, 20**10**.



Honorable Claudia Wilken
United States District Judge

1 Submitted by:

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Dated: December 22, 2010

FOLEY & LARDNER LLP

By: /s/ Steven J. Rizzi
Steven J. Rizzi
Gina A. Bibby
Attorneys for Defendant
Triple C Designs, Inc.

Dated: December 22, 2010

JONES DAY

By: /s/ Brett A. Lovejoy
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Attorneys for Plaintiff
Alexx Inc.

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CERTIFICATION OF CONCURRENCE

I hereby attest that concurrence in the filing of this document has been obtained from
counsel for plaintiff, Brett A. Lovejoy.

Dated: December 22, 2010

FOLEY & LARDNER LLP

By: /s/ Gina A. Bibby
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