

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Phillip S. Figa

Civil Action No. 06-cv-01704-PSF-PAC

XFACTOR, LLC, a Colorado corporation,

Plaintiff,

v.

ROGER CLEVELAND GOLF COMPANY, INC., a California corporation,

Defendant.

ORDER SETTING RULE 16 PRETRIAL SCHEDULING CONFERENCE

THIS MATTER comes before the Court pursuant to F.R.Civ.P. 16 and D.C.COLO.LCivR 16.1 for the setting of a pretrial scheduling conference. IT IS HEREBY ORDERED that the parties shall appear on **Tuesday, October 10, 2006 at 9:30 a.m.**, before the undersigned in Courtroom 602 of the U.S. District Court for the District of Colorado, Sixth Floor, of the Alfred A. Arraj U.S. Courthouse, 901 19th Street, Denver, Colorado. It is,

FURTHER ORDERED that counsel shall confer and prepare a Proposed Joint Scheduling Order that is due to the Court **at least five days before the Scheduling Conference.** Counsel shall comply with the Instructions for Preparation of Scheduling Order (see Appendix F of the Local Rules of Practice in the United States District Court for the District of Colorado). Copies of the Local Rules are available under the "Local Rules" button at <http://www.cod.uscourts.gov> and from the Clerk of the Court. Because one of the claims asserts patent infringement, the parties are directed to determine to

what extent, if possible, the terms and deadlines set forth in the Local Rules of Practice for Patent Cases before the United States District Court for the Northern District of California could apply and be helpful to this case. These Rules may be found at <http://www.cand.uscourts.gov/cand/LocalRul.nsf> by clicking on “Patent Local Rules” under “All Local Rules.” The parties, through counsel, shall prepare the Proposed Joint Scheduling Order accordingly with whatever stipulations they deem appropriate using those local rules as a guide. It is

FURTHER ORDERED that counsel for all parties are expected to be present at the conference. Because the first scheduling conference may be set before the defendant has been served or has appeared in the case, counsel for plaintiff is responsible for notifying defendant or its counsel of the setting of the first Rule 16(b) Conference. If plaintiff’s counsel is unable to notify defendant or its counsel, then plaintiff’s counsel shall, at least five days prior to the scheduled Rule 16(b) Conference, so notify the Court so that the conference can be rescheduled.

DATED: August 30, 2006

BY THE COURT:

s/ Phillip S. Figa

Phillip S. Figa
United States District Judge