

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

**JUDGE PHILIP A. BRIMMER**

**COURTROOM MINUTES**

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Courtroom Deputy: Kathy Preuitt-Parks  
Court Reporter: Janet Coppock

Date: May 12, 2011  
Time: 27 minutes

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**CASE NO. 07-cv-02261-PAB-MJW**

Parties

Counsel

**ALCOHOL MONITORING SYSTEMS,**  
  
Plaintiff (s),

Phillip Lorenzo  
Michael Martin  
James Dallner

vs.

**ACTSOFT, INC.,  
OHIO HOUSE MONITORING  
SYSTEMS, INC., and  
US HOME DETENTION SYSTEMS,**

Kyle Fleming  
Richard Fee

Defendant (s).

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**STATUS CONFERENCE**

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**10:35 a.m. COURT IN SESSION**

APPEARANCES OF COUNSEL.

This matter is before the Court after remand from the 10<sup>th</sup> Circuit Court of Appeals.

The parties have submitted status reports and proposed courses of action.

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Comments by Mr. Fee in response to the Court's inquiry as to why the defendants want to re-open and conduct additional discovery.

Comments by Mr. Lorenzo, opposing defendant's request.

Comments by Mr. Flemming.

Comments by the Court.

**ORDERED:** Defendants' request to re-open discovery is **DENIED**.

Discussion regarding pending motions.

**ORDERED:** Defendants' Motion to Declare Case Exceptional and for an Award of Attorneys' Fees (Doc #233), filed 1/21/10 is **WITHDRAWN WITHOUT PREJUDICE**, at the request of defense counsel.

**ORDERED:** Defendants may supplement their summary judgment motion on the non-infringement claim and in light of the federal circuit's claim construction by **June 17, 2011**. Plaintiff shall file its response by **July 8, 2011**. Defendants' reply is due **July 15, 2011**.

Discussion regarding length of trial and trial setting.

Counsel concur that the trial could be completed in eight days.

**ORDERED:** Eight day jury trial is scheduled for **October 31, 2011**. Trial preparation conference is scheduled for **October 11, 2011 at 1:00 p.m.**

**ORDERED:** Mr. Fee is directed to file a notice with the Court, if he intends to appear at the trial preparation conference by telephone.

**ORDERED:** Counsel directed to Magistrate Judge Watanabe's chambers to schedule another pretrial conference in preparation of an updated pretrial order.

Mr. Martin advises that defendant Actsoft, Inc. was purchased by a company named GS4 and that the plaintiff has requested to supplement its discovery to determine whether the complaint needs to be amended to add GS4 as a party.

Comments by Mr. Fee.

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Further comments by Mr. Martin.

**ORDERED:** If counsel cannot work out an informal agreement so there is an exchange of information, they are directed to file any motions that are appropriate.

**11:02 a.m. COURT IN RECESS**

**Total in court time: 27 minutes**

**Hearing concluded**