

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Honorable Marcia S. Krieger

Civil Action No. 09-cv-01007-MSK

KELPWORT SYSTEMS, INC.,

Plaintiff,

v.

PECKER ACOUSTIC GMBH & CO. KG,

Defendant.

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**ORDER SETTING HEARING UNDER FED.R.CIV.P. 16**

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THIS MATTER comes before the Court upon a Complaint filed by the Plaintiff alleging the infringement of a patent. In light thereof, a hearing pursuant to Fed. R. Civ. P. 16(b) and D.C.COLO.LCivR 16.1 is necessary. **This is not a scheduling conference; do not submit a proposed scheduling order.**

**IT IS ORDERED:**

- (1) A hearing is set for **July 14, 2009, at 4:00 p.m.** in Courtroom A901 of the United States Courthouse located at 901 19th Street, Denver, Colorado. Counsel shall bring their calendars.
- (2) Prior to the hearing, the parties shall meet and confer about the following issues and be prepared to address them at the hearing:
  - Whether there are issues of claim construction.
  - Whether a hearing will be required under *Markman v. Westview Instruments, Inc.*, 517 U.S. 370 (1996).
  - If a hearing is required, whether discovery is necessary prior to the hearing. If so, what discovery is required. (This hearing does not substitute for a scheduling conference before the Magistrate Judge.)
  - Whether there are any other issues or impediments to the setting of a *Markman* hearing.
  - Other appropriate issues enumerated in Fed. R. Civ. P. 16(c).

DATED this 11<sup>th</sup> day of May, 2009.

**BY THE COURT:**

*Marcia S. Krieger*

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Marcia S. Krieger  
United States District Judge