

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 09-cv-01257-PAB

BIAX CORPORATION,

Plaintiff,

v.

NVIDIA CORPORATION,
SONY COMPUTER ENTERTAINMENT AMERICA, INC.,
SONY COMPUTER ENTERTAINMENT, INC.,
SONY ELECTRONICS, INC.,
SONY CORPORATION OF AMERICA, and
SONY CORPORATION,

Defendants.

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

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 is appropriate. It is

ORDERED:

1. That a hearing is set for **July 30, 2009 at 3:00 p.m.** in Courtroom A601 at the United States Courthouse located at 901 19th Street, Denver, Colorado. Counsel shall bring their calendars. This is not a scheduling conference. The parties should not submit a proposed scheduling order.

2. That 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 *Markman* hearing is required, whether discovery is necessary prior to such 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 June 9, 2009.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge