

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

Civil Action No. 09-cv-01257-PAB-MEH

BIAX CORPORATION,

Plaintiff,

v.

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

Defendants.

ORDER

This matter is before the Court on the Motion for Leave to File a Further Summary Judgment Motion [Docket Nos. 666, 669] and Amended Notice of Motion for Leave to File a Further Summary Judgment Motion [Docket Nos. 685, 688] filed by defendant NVIDIA Corporation.

The Court's Practice Standards impose a twenty-page limitation on summary judgment motions. See Practice Standards (Civil cases), Judge Philip A. Brimmer § III.F.3.a. On August 6, 2010, NVIDIA requested leave to file a twenty-five page motion for summary judgment on its defenses of invalidity and unenforceability based on inequitable conduct in this patent infringement action. See Docket No. 323. NVIDIA filed its proposed twenty-five page motion that same day. See Docket Nos. 326, 330. The Court granted NVIDIA leave to file the excess pages, see Docket No. 332, and denied NVIDIA's motion for summary judgment. See Docket No. 663.

NVIDIA now requests leave to file a twenty-page summary judgment motion on non-infringement and non-inducement. See Practice Standards (Civil cases), Judge Philip A. Brimmer § III.F.3.a (“If a party elects to file more than one Rule 56 motion, then the motions and response briefs shall not exceed twenty pages total for all such motions (not each such motion) filed by that party.”). NVIDIA requested such leave prior to the dispositive motion deadline, and the Court is persuaded that permitting NVIDIA to file a second summary judgment motion serves the interests of judicial economy. See Docket No. 666 at 5, ¶¶ 10-11. Therefore, it is

ORDERED that NVIDIA’s Motion for Leave to File a Further Summary Judgment Motion [Docket Nos. 666, 669] and Amended Notice of Motion for Leave to File a Further Summary Judgment Motion [Docket Nos. 685, 688] are GRANTED. NVIDIA may file a motion for summary judgment on or before November 2, 2011, such motion not to exceed twenty pages.

DATED October 18, 2011.

BY THE COURT:

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