

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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

BIAX CORPORATION,

Plaintiff,

v.

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

Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

This matter is before the Court on the Unopposed Motion for Reconsideration of Minute Order Striking Plaintiff BIAx Corporation's Response in Opposition to Defendant NVIDIA's [Corrected] Motion for Summary Judgment of Non-Infringement [Docket No. 916] filed by plaintiff BIAx Corporation. On November 22, 2011, the Court granted plaintiff an extension of time until December 2, 2011 to file its response to NVIDIA's motion for summary judgment. See Docket No. 905. On December 3, 2011, plaintiff filed its response [Docket No. 911] without any explanation for filing it after December 2. On December 5, 2011, the Court ordered that plaintiff's response be stricken as untimely. In the present motion, plaintiff explains that the Electronic Case Filing System ("ECF") was not accepting filings on the evening of December 2, 2011. The Court has confirmed that such was the case and, therefore, plaintiff's response was not due until December 5, 2011. See ECF Procedures (Civil Cases) 5.2(B) ("In the event of a technical failure, notice thereof will be posted on the court's web site, and documents due that day shall be due the next business day."). Therefore, it is

ORDERED that the Unopposed Motion for Reconsideration of Minute Order Striking Plaintiff BIAx Corporation's Response in Opposition to Defendant NVIDIA's [Corrected] Motion for Summary Judgment of Non-Infringement [Docket No. 916] is GRANTED. The December 5, 2011 Minute Order [Docket No. 915] striking plaintiff's response [Docket No. 911] to defendant NVIDIA's motion for summary judgment is VACATED. The Clerk is instructed to remove the word "stricken" from Docket Nos. 911 and 913.

DATED December 7, 2011.