

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Michael J. Watanabe**

Civil Action No. 09-cv-02310-REB-MJW

FTR - Courtroom A-502

Date: January 22, 2010

Courtroom Deputy, Ellen E. Miller

Parties

Counsel

FUSION SPECIALTIES, INC.,

William D. Meyer

Plaintiff(s),

v.

TERESA BANKS,
d/b/a T. BANKS & ASSOCIATES,

Pro Se

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: TELEPHONIC STATUS CONFERENCE

Court in Session: 8:30 a.m.

Court calls case. Appearances of plaintiff counsel and *pro se* defendant.

Discussion is held regarding defendant's continued attempts to retain counsel. *Pro Se* defendant is reminded she is required to comply with all applicable Federal Rules of Civil Procedure (Fed.R.Civ.P.) and the Local Rules of Practice in the United States District Court for the District of Colorado (D.C.COLO.LCivR.) unless and until an attorney makes an entry of appearance on her behalf.

The Court raises defendant's Motion Limiting Defendant's Deposition Questions ... for argument. Comments by defendant.

It is ORDERED: Defendant's MOTION LIMITING DEFENDANT'S DEPOSITION QUESTIONS AND INTERROGATORIES TO PERSONAL JURISDICTION ISSUES ONLY [Docket No. **31**, Filed January 13, 2010] is **DENIED** for reasons as set forth on the record.

Discussion is held regarding status of discovery.

It is ORDERED: Defendant shall have to and including **FEBRUARY 05, 2010** to respond to Plaintiff's written discovery.

Parties are directed to meet and confer to clear dates for depositions.

It is ORDERED: A SETTLEMENT CONFERENCE is set **MARCH 18, 2010 at 10:00 a.m.** (Mountain Daylight Saving Time) in Courtroom A-502, Fifth floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado 80294.

Updated Confidential Settlement Statements are due to Magistrate Judge Watanabe (*not the trial judge*) via e-mail, as a PDF attachment, at Watanabe_Chambers@cod.uscourts.gov **on or before MARCH 15, 2010.**

In the subject line of the e-mail, counsel shall list the case number, short caption, date of the conference, and "confidential settlement statement." *Pro Se* parties shall mail confidential settlement statements to Magistrate Judge Watanabe at Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado 80294.

All attorneys, parties and/or client representatives, including an adjustor if an insurance company is involved, with full settlement authority shall be present **in person** at the settlement conference. Anyone seeking entry into a United States Courthouse is required to show a valid current photo identification. See D.C.COLO.LCivR 83.2. Failure to comply with this requirement may result in denial of entry to the courthouse.

Discussion is held regarding plaintiff's response deadline to defendant's motion to dismiss. With no objection,

It is ORDERED: Plaintiff's ORAL MOTION TO EXTEND TIME TO RESPOND TO Defendant's Motion to Dismiss for Lack of Jurisdiction Under Rule 12(B) [Docket No. 7, Filed November 24, 2009] is **GRANTED**. Plaintiff shall have to and including **FEBRUARY 26, 2010** within which to respond to the motion to dismiss.

Discussion is held regarding setting a *Markman* Hearing.

It is ORDERED: The schedule proposed in the Interim Status Report [Docket No. 33, Filed January 21, 2010] is adopted in its entirety and is incorporated into the Scheduling Order [Docket No. 19, Filed December 10, 2009 *nunc pro tunc* December 04, 2009].

The schedule is as follows:

MARCH 09, 2010: Each party shall serve a list of claim terms which that the party contends should be construed by the Court, and identify any claim term which that party contends should be governed by 35 U.S.C. § 112(6).

MARCH 16, 2010: The parties shall meet and confer for the purposes of limiting the terms in dispute.

- MARCH 26, 2010:** The parties shall simultaneously exchange proposed constructions of each term identified by either party for claim construction. Each party shall also identify all references from the specification or prosecution history that support its proposed construction and designate any supporting extrinsic evidence. With respect to any supporting witness, the identifying party shall also provide a description of the substance of that witness' proposed testimony that includes a listing of any opinions to be rendered in connection with claim construction.
- APRIL 02, 2010:** The parties shall meet and confer for the purposes of narrowing the issues and finalizing preparation of a Joint Claim Construction and Prehearing Statement.
- MAY 19, 2010:** The parties shall complete and file a Joint Claim Construction and Prehearing Statement, which shall contain the following information:
- (a) The construction of those terms on which the parties agree;
 - (b) Each party's proposed construction of each disputed term, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction or to oppose any other party's proposed construction;
 - (c) An identification of the terms whose construction will be most significant to the resolution of the case up to a maximum of 10;
 - (d) The anticipated length of time necessary for the Claim Construction Hearing;
 - (e) Whether either party proposes to call one or more witnesses at the Claim Construction Hearing, the identity of each such witness, and for each witness, a summary of his or her testimony including, for any expert, each opinion to be offered related to claim construction.
- JULY 02, 2010:** The parties shall complete all discovery, including any depositions with respect to claim construction of any witnesses, including experts, identified in the Preliminary Claim Construction Statement or Joint Claim Construction and Prehearing Statement.
- AUGUST 02, 2010:** Fusion shall serve and file an opening brief and any evidence supporting its claim construction.
- AUGUST 23, 2010:** Defendant shall serve and file her responsive brief and supporting evidence.

SEPTEMBER 06, 2010: Fusion shall serve and file any reply brief and any evidence directly rebutting the supporting evidence contained in Defendant's response.

Hearing concluded.

Court in recess: 8:48 a.m.

Total In-Court Time 00: 18

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