

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

Civil Action No. 10-cv-02271-PAB

TWO MOMS AND A TOY, LLC, a Colorado limited liability company,

Plaintiff,

v.

INTERNATIONAL PLAYTHINGS, LLC, a Delaware limited liability company,

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 is appropriate. It is

ORDERED:

1. That a hearing is set for **February 15, 2011 at 9:00 a.m.** in Courtroom A701 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 February 2, 2011.

BY THE COURT:

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