

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

EARTHCOMBER, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 08 C 5601
	)	
LOOPT, INC., et al.,	)	
	)	
Defendants.	)	

MEMORANDUM ORDER

Patent law has long (and properly) been regarded as an area of specialized practice--a recognition that long antedated the current overcompartmentalization of the practice of law that has essentially rendered federal judging the last refuge of the legal generalist. But of course patent lawyers, like all other federal practitioners, are still expected to know and to comply with the basic requirements of federal pleading.

In this instance counsel for defendant Loopt, Inc. ("Loopt") has included in its just-filed Answer a whole set of responses that have ignored the unambiguous disclaimer provision of Fed. R. Civ. P. ("Rule") 8(b)(5)--on that score, see also App. ¶1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001). Accordingly Answer ¶¶1, 3, 6 (which is also incorporated into 7), 8, 11, 13 and 14 are stricken, without prejudice of course to the restatement of those responsive paragraphs in proper form on or before November 7, 2008. In that regard Loopt's counsel is admonished to omit from that repleading

the phrase "and on that basis denies them," for asserting an actual denial (rather than relying on the Rule-prescribed deemed denial) based on such a disclaimer would be oxymoronic.

A handwritten signature in cursive script, reading "Milton I. Shadur".

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Milton I. Shadur  
Senior United States District Judge

Date: October 27, 2008