

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EATON CORPORATION,

Plaintiff,

Case No. 03-74844

vs.

HON. GEORGE CARAM STEEH

ZF MERITOR LLC, ARVINMERITOR,
INC. and ZF FRIEDRICHSHAFEN AG,

Defendants.

_____ /

ORDER DENYING DEFENDANTS' MOTION FOR
EARLY BENCH TRIAL ON INDEFINITENESS [DOC. # 358]

This matter is presently before the Court on Defendants' motion for an early bench trial on the issue of indefiniteness. The Court and the parties agree that the issue of indefiniteness is a matter of law that the Court must decide. Datamize, LLC v. Plumtree Software, 417 F.3d 1342, 1347 (Fed. Cir. 2005). The Court will hear the evidence on the issue of indefiniteness as it is presented during the trial before the jury and will make its ruling at the appropriate time. The Court will consider hearing some evidence outside the presence of the jury, as may be required and convenient during the course of the trial.

IT IS ORDERED that defendants' motion for an early bench trial on indefiniteness is hereby DENIED.

So ordered.

Dated: September 15, 2008

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 15, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk