

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SAINT LOUIS UNIVERSITY,)	
a Missouri benevolent corporation,)	
)	
Plaintiff,)	
)	Case No. 4:07CV1733 CEJ
AVIS MEYER,)	
)	
Defendant.)	

MOTION FOR CONTINUANCE OF TRIAL DATE

COMES NOW Defendant Avis Meyer (hereinafter “Meyer”), by and through its counsel, moves this Honorable Court for a continuance of the trial date for three months. In support of this Motion, the Defendant states as follows:

1. Under the current Orders of the Court, the trial date is set for January 20, 2009.
2. Defendant’s attorneys are involved in an extensive patent lawsuit captioned *The GSI Group, Inc. v. Sukup Manufacturing Co.* (Case No. 05-3011, Central District of Illinois). That case involves claims of infringement of six patents, unfair competition and state law claims and counterclaims for unfair competition and state law claims. The *GSI* case is going to trial on January 6, 2009. While the liability and damages phases of the trial are bifurcated, the liability phase is expected to last four to six weeks, if not more. The court has indicated the liability portion of the trial will proceed in July of 2009. Settlement discussions have not lead to settlement.
3. Moreover, it is expected that the undersigned attorney, Nelson Nolte, will be called to testify in such lawsuit and it is unknown on which day(s) he will be testifying and for how long. He has been identified as “may call” by both the plaintiff and the defendant.
4. Counsel for Defendant conferred with counsel for Plaintiff on December 1, 2008 and Plaintiff’s counsel was unable to join this request.

5. Due to the press of the patent trial, Defendant therefore requests that the Court further amend the scheduling order to continue the trial date to **April of 2009**.

6. Defendant does not make the instant Motion for any improper purpose.

WHEREFORE, Defendant moves this Honorable Court to grant its Motion to amend the scheduling order to continue the trial date to April of 2009, and for such other and further relief as the Court deems just under the circumstances.

Respectfully submitted,

POLSTER, LIEDER, WOODRUFF &
LUCCHESI, L.C.

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I further certify that on the 2nd day of December, 2008, the foregoing was filed with the Clerk of Court to be served via the Court's ECF system upon all counsel of record.

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