

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VISHAY DALE ELECTRONICS, INC.,)	
)	
Plaintiff,)	8:07CV191
)	
v.)	
)	
CYNTEC CO., LTD., SUSUMU CO.,)	ORDER
LTD., and SUSUMU INTERNATIONAL)	
(USA), INC.,)	
)	
Defendants.)	
)	

This matter is before the court on plaintiff's objections, Filing No. [161](#), to the order of the magistrate judge on a discovery dispute, Filing No. [159](#). The discovery dispute involves the plaintiff's motion to compel answers to several "contention" interrogatories propounded by the plaintiff. The plaintiff asserts that it needs to know the basis for defendant's defenses of invalidity and noninfringement. Magistrate Judge Thalken denied the motion to compel, stating that the requests were premature at this stage of the litigation when no significant discovery has taken place.

On review of a decision of the magistrate judge on a pretrial matter, the district court may modify or set aside any part of the magistrate judge's order that it finds is clearly erroneous or contrary to law. [28 U.S.C. § 636](#) (b)(1)(A); Fed. R. Civ. P. 72(a); [In re Lane, 801 F.2d 1040, 1042 \(8th Cir. 1986\)](#). See also [Bialas v. Greyhound Lines, Inc., 59 F.3d 759, 764 \(8th Cir. 1995\)](#) (noting "a magistrate is afforded broad discretion in the resolution of nondispositive discovery disputes"). Notably, the magistrate judge found the requests premature at this stage, but did not absolve the defendants of their duty to respond. The defendants remain obligated to supplement their responses as discovery progresses and

the court has determined claim construction issues. The plaintiff has not shown that the magistrate judge's findings are clearly erroneous or contrary to law. Accordingly,

IT IS ORDERED that plaintiff's objection (Filing No. [161](#)) to the order of the magistrate judge (Filing No. [159](#)) is overruled.

DATED this 23rd day of December, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge