

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AEVOE CORP., a California corporation,)
)
Plaintiff,)
vs.)
AE TECH CO., LTD., a Taiwan corporation;)
S&F Corporation dba SF PLANET)
CORPORATION, a Minnesota corporation,)
and GREATSHIELD INC., a Minnesota)
corporation,)
Defendants.)

Case No.: 2:12-cv-00053-GMN-RJJ

ORDER

Pending before the Court is the Motion to Strike Defendants’ Unauthorized Opening Claim Construction Brief (ECF No. 182) filed by Plaintiff Aevoe Corp. (“Plaintiff”).


In this case, Plaintiff filed its Opening Claim Construction Brief on November 19, 2012. (ECF No. 157.) On that same day, Defendants filed a brief styled as “Defendants’ Opening Claim Construction Brief.” (ECF No. 159.) However, such a filing is not authorized by the local rule governing claim construction briefing. See LCR 16.1-16. Specifically, Rule 16.1-16 of the United States District Court for the District of Nevada Local Rules of Practice authorizes any party claiming infringement to file an “opening claim construction brief.” Rule 16.1-16 further provides “[n]ot later than fourteen (14) days after service upon it of an opening brief, each opposing party shall serve and file its responsive brief and supporting evidence.”

However, Defendants failed to file a document styled as a “responsive brief.” Therefore, rather than strike Defendants’ unauthorized brief, the Court construes Defendants’ “Opening Claim

1 Construction Brief” as its response to Plaintiff’s properly filed Opening Claim Construction
2 Brief.¹ For these reasons, Plaintiff’s Motion to Strike is **DENIED**.

3 **IT IS HEREBY ORDERED** that Plaintiff’s Motion to Strike (ECF No. 182) is
4 **DENIED**.

5 **DATED** this 17th day of December, 2012.

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10 Gloria M. Navarro
11 United States District Judge

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¹ The Court also notes that, because Defendants’ unauthorized Opening Claim Construction Brief” is construed as its Responsive Claim Construction Brief, no further claim construction briefing by either party is authorized by Local Rule 16.1-16.