

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

THE OHIO WILLOW WOOD
COMPANY,

Plaintiff,

v.

ALPS SOUTH LLC,

Defendant.

and

ALPS SOUTH LLC,

Plaintiff,

v.

OHIO WILLOW WOOD COMPANY, et
al.

Defendants.

Case Nos. 2:05-cv-1039 and 2:09-cv-1027

JUDGE EDMUND A. SARGUS, JR.

MAGISTRATE JUDGE TERENCE P.
KEMP

ORDER

At a hearing held on April 19, 2011, and with consent of the parties, the Court established the following briefing schedule regarding the pending patent claims in the above-styled actions:

(1) In accordance with Local Patent Rule 103.2, the patent holder claiming patent infringement shall file with the Court by no later than **May 4, 2011** a "Disclosure of Asserted Claims and Infringement Contentions." Such disclosure shall include all asserted claims that have survived the United States Patent Office reexaminations of patent validity, and in the alternative, all asserted claims that would remain should the patent holder prevail on appeal of the United States Patent Office reexaminations of patent validity;

(2) In accordance with Local Patent Rule 103.4, the party opposing a claim of patent infringement shall file with the Court, **within fifteen days** of the filing of the "Disclosure of Asserted Claims and Infringement Contentions," the party's "Invalidity Contentions." Such

contentions shall address all claims asserted by the patent holder that have survived the United States Patent Office reexaminations of patent validity, and in the alternative, all asserted claims that would remain should the patent holder prevail on appeal of the United States Patent Office reexaminations of patent validity; and

(3) Also on May 4, 2011, the parties shall brief the Court on their respective positions as to whether a stay of this consolidated action is warranted; any response briefs as to this issue shall be filed by no later than May 19, 2011.


In addition, as discussed at the April 19, 2011 status conference, the Court shall hold a Telephonic Status Conference in this matter on May 20, 2011, at 10:00 a.m. Chambers will notify counsel by e-mail with instructions for participating in the conference call.

Finally, the Court's Order consolidating Case No. 2:05-cv-1039 and Case No. 2:09-cv-1027, entered on March 29, 2011, is hereby **AMENDED in part** as follows: All future submissions by the parties shall be filed and entered in Case No. 2:09-cv-1027 only.¹

IT IS SO ORDERED.

4-19-2011

DATED



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE

¹ The Court's previous Order directed the parties to file all submissions only in Case No. 2:05-cv-1035. This change is made purely for administrative purposes and is not intended to affect any right of any party. All docket entries made to date in either case shall remain unchanged unless otherwise ordered by the Court.