

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

E-IMAGEDATA CORP.,

Plaintiff,

v.

KONICA MINOLTA BUSINESS SOLUTIONS U.S.A., INC.,
NAVIANT, INC. and INDUS INTERNATIONAL, INC.,

Defendants.

ORDER

12-cv-686-bbc

E-IMAGEDATA CORP.,

Plaintiff,

v.

KONICA MINOLTA BUSINESS SOLUTIONS U.S.A., INC.,
NAVIANT, INC. and INDUS INTERNATIONAL, INC.,

Defendants.

ORDER

13-cv-721-bbc

The parties in these two patent cases have filed a joint motion to consolidate the cases on the ground that they involve the same parties, the same accused products and similar patents related to “a scanner that creates digital images of microfilm that the user can view with a computer.” Dkt. #45, at 2, case no. 12-cv-686-bbc. Although plaintiff E-ImageData Corp. waited a year after filing case no. 12-cv-686-bbc to file case no. 13-cv-721-bbc, it says

that it could not have filed case no. 13-cv-721-bbc earlier because the relevant patent was not issued until September 2013.

The motions to consolidate are GRANTED, dkt. ##44 and 51 (case no. 12-cv-686-bbc) and dkt. #14 (case no. 13-cv-721-bbc) and the schedule in case no. 12-cv-686-bbc is STRICKEN. The parties may discuss an appropriate schedule with Magistrate Judge Stephen Crocker at the preliminary pretrial conference to be held in case no. 13-cv-721-bbc.

I note that the parties did not file the motion to consolidate until after the deadline for filing dispositive motions in case no. 12-cv-686-bbc passed, suggesting that they assumed the court would grant their motion and set a new schedule. That was a risky strategy. Although plaintiff has a valid reason for delaying its motion to consolidate, the parties should be aware that this court takes seriously the instruction in Fed. R. Civ. P. 1 to try cases in a manner that is “just, speedy and inexpensive.” In the absence of extraordinary circumstances, the parties should not expect to receive any further changes in the schedule once it is set.

Entered this 16th day of December, 2013.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge