

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
INTEX RECREATION CORPORATION,)	
)	
Plaintiff/Counterclaim-Defendant,)	
)	
v.)	Civil Action No. 04-1785 (PLF)
)	
TEAM WORLDWIDE CORPORATION,)	
)	
Defendant/Counterclaim-Plaintiff.)	
_____)	

MEMORANDUM OPINION AND ORDER

On March 28, 2008, Magistrate Judge Robinson issued a memorandum opinion and order in which she granted in part and denied in part defendant Team Worldwide Corporation's motion for claim construction. Plaintiff Intex Recreation Corporation then filed objections to Magistrate Judge Robinson's claim construction opinion; Team Worldwide filed its opposition to Intex's objections; and Intex filed its reply. Subsequently, on February 23, 2009, Magistrate Judge Robinson stayed this case pending completion of the reexamination of U.S. Patent No. 6,793,469 ("the '469 patent") by the United States Patent and Trademark Office ("PTO") and denied without prejudice Intex's objections to her claim construction opinion as well as the parties' summary judgment motions.

On September 24, 2010, the PTO issued a notice of intent to issue an *ex parte* reexamination certificate in which the PTO confirmed that the '469 patent claims are patentable. Accordingly, upon the parties' joint motion, on October 19, 2010, Magistrate Judge Robinson lifted the stay, and the parties have since engaged in discovery and filed a joint status report

regarding how they wish to proceed. Intex has proposed that the Court hold a two-hour hearing during which both Intex's objections and the parties' summary judgment motions are addressed. Joint Status Report at 1-2, Feb. 11, 2011. Team Worldwide has proposed that the Court rule on Intex's objections on the papers without a hearing, but joins Intex's request for a hearing on the parties' summary judgment motions. Id. at 2. The parties acknowledge, however, that supplemental summary judgment briefing may be necessary if the Court materially revises any of Magistrate Judge Robinson's claim constructions. See id.

Upon consideration of the parties' joint status report, the Court will hold a hearing on Intex's objections to Magistrate Judge Robinson's claim construction opinion on June 9, 2011 at 9:30 a.m. Since Magistrate Judge Robinson denied without prejudice Intex's objections, the parties will need to move to reinstate their respective objections, opposition to objections, and reply. At this hearing, the Court will not hear argument on the parties' summary judgment motions, because it is inefficient to do so until the Court resolves the matter of Intex's objections. Furthermore, by Order of June 30, 2006, this case was referred to Magistrate Judge Robinson for management of all pre-trial matters, "including for the purpose of issuing reports and recommendations on any dispositive motion filed in this case." Order at 1, June 30, 2006. So the summary judgment arguments will take place before her, not the undersigned.

Accordingly, it is hereby

ORDERED that the parties shall move to reinstate their respective objections [Dkt. No. 147], opposition to objections [Dkt. No. 156], and reply [Dkt. No. 160] by May 6, 2011; and it is

FURTHER ORDERED that the parties shall appear before the Court for a hearing on Intex's objections to Magistrate Judge Robinson's claim construction opinion on June 9, 2011 at 9:30 a.m.

SO ORDERED.

DATE: April 27, 2011

/s/

PAUL L. FRIEDMAN
United States District Judge