United States District Court
For the Northern District of California

E-FILED on 3/1/10

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

HALO ELECTRONICS, INC.,

Plaintiff,

v.

BEL FUSE INC., ELEC & ELTEK (USA) CORPORATION, WURTH ELECTRONICS MIDCOM., INC., XFMRS, INC.

Defendants.

No. C-07-06222 RMW

ORDER DECLINING TELEPHONIC CONFERENCE AND DECLINING TO POSTPONE CLAIM CONSTRUCTION AND RELATED DATES

[Re Docket No. 150]

The court has received correspondence written on behalf of all defendants in this action and has also received plaintiff Halo Electronics, Inc. ("Halo")'s response. Defendants seek to postpone all dates related to claim construction in this action, pending a claim construction order in another litigation pending in Nevada. Halo objects to such postponement, pointing out that this case is already more than two years old and that the litigation in Nevada is between Halo and an unrelated defendant. Moreover, any claim construction order in the Nevada case would not have preclusive effect in this case, absent a final judgment. The court therefore declines to postpone claim construction and related deadlines in this action. Accordingly, a telephonic conference discussing adjournment of dates relating to claim construction is not necessary.

The court notes that the letter from defendants states that Halo is asserting approximately 119 claims in this action. Although Halo has indicated that it is working to streamline the number of asserted claims and believes its revised list will be less than 30 claims, even 30 claims seems excessive to the court. Patent Local Rule 4-3(c) requires the parties to identify "the terms whose construction will be most significant to the resolution of the case up to a maximum of 10." If the number of asserted claims and disputed terms is not substantially narrowed by the Claim Construction Prehearing Conference set for May 7, 2010, this will be the first issue to be addressed by the court.

DATED: 3/1/10

Ronald M. Whyte

RONALD M. WHYTE
United States District Judge

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Dated: 3/1/10

CCL
Chambers of Judge Whyte