IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 09-cv-01007-MSK

KELPWORT SYSTEMS, INC.,

Plaintiff,

v.

PECKER ACOUSTIC GMBH & CO. KG,

Defendant.

ORDER SETTING HEARING UNDER FED.R.CIV.P. 16

THIS MATTER comes before the Court upon a Complaint filed by the Plaintiff alleging the infringement of a patent. In light thereof, a hearing pursuant to Fed. R. Civ. P. 16(b) and D.C.COLO.LCivR 16.1 is necessary. **This is not a scheduling conference; do not submit a proposed scheduling order.**

IT IS ORDERED:

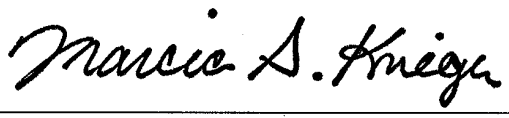
(1) A hearing is set for **July 14, 2009, at 4:00 p.m.** in Courtroom A901 of the United States Courthouse located at 901 19th Street, Denver, Colorado. Counsel shall bring their calendars.

(2) Prior to the hearing, the parties shall meet and confer about the following issues and be prepared to address them at the hearing:

- Whether there are issues of claim construction.
- Whether a hearing will be required under *Markman v. Westview Instruments, Inc.*, 517 U.S. 370 (1996).
- If a hearing is required, whether discovery is necessary prior to the hearing. If so, what discovery is required. (This hearing does not substitute for a scheduling conference before the Magistrate Judge.)
- Whether there are any other issues or impediments to the setting of a *Markman* hearing.
- Other appropriate issues enumerated in Fed. R. Civ. P. 16(c).

DATED this 11th day of May, 2009.

BY THE COURT:



Marcia S. Krieger
United States District Judge