IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 13-cv-02287-PAB

MSPBO, LLC,

Plaintiff,

v.

ADIDAS NORTH AMERICA, INC. and
ADIDAS AMERICA, INC.,

Defendants.

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. It is

ORDERED that:

1. A hearing is set for **November 15, 2013 at 1:30 p.m.** in Courtroom A701 at the United States Courthouse located at 901 19th Street, Denver, Colorado. Counsel shall bring their calendars. This is not a scheduling conference. The parties should not submit a proposed scheduling order.

2. 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 *Markman* hearing is required, whether discovery is necessary prior to such 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.

3. Out of town counsel are encouraged to appear by telephone given the short duration of these hearings. An attorney who wishes to appear by telephone for the hearing shall notify Chambers at (303) 335-2794 in advance of the hearing to arrange for telephonic appearance.

DATED October 10, 2013.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge