IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INTELLECTUAL VENTURES I LLC Plaintiff, v. CHECK POINT SOFTWARE TECHNOLOGIES LTD., et al., Defendants.	Civil Action No. 10-cv-1067-LPS JURY TRIAL DEMANDED

ORDER

The Court having considered the Motion to Sever and Transfer by Defendants Trend Micro Incorporated and Trend Micro, Inc. (USA) (D.I. 300) (the "Motion"), and having held argument on November 8, 2012 (the "Hearing"),

IT IS HEREBY ORDERED that the Motion is GRANTED IN PART and DENIED IN PART.

The motion to sever is GRANTED as UNOPPOSED and the case against the two Trend Micro defendants is hereby severed. The Clerk is directed to open a new civil action for Plaintiff's claims against Defendants Trend Micro Incorporated and Trend Micro, Inc. (USA). As such, the presumption is that the trial against the Trend Micro defendants will be separate from the trial against the other remaining defendants in C.A. No. 10-1067. If Plaintiff believes it has a basis to ask for a consolidated trial, the burden will be on the Plaintiff to ask for that relief. The new action shall be subject to the same deadlines set forth in the Amended Scheduling Order (D.I. 403) in this action and coordinated with this action through the Pretrial Conference.

The motion to transfer is DENIED for the reasons set forth by the Court during the Hearing. In denying the motion to transfer, the Court notes that Plaintiff has represented that it will bring any witness affiliated with it to Delaware for trial if Defendants so request and if that witness has material and relevant information.

The Honorable Leonard P. Stark
United States District Judge