

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

SEED RESEARCH EQUIPMENT
SOLUTIONS, LLC, a Kansas Limited
Liability Company,

PLAINTIFF

vs.

GARY W. CLEM, INC. d/b/a ALMACO, An
Iowa Corporation,

DEFENDANT

Case No. 09-01282-EFM-KGG

MEMORANDUM AND ORDER

Plaintiff Seed Research Equipment Solutions, LLC (“SRES”) and Defendant Gary W. Clem, Inc., d/b/a AMALCO (“ALMACO”) are involved in a patent dispute that is in the claim construction phase. The Court previously granted Plaintiff’s request for leave to file a supplemental claim construction brief.¹ Defendant now moves for leave to file a response to Plaintiff’s supplemental claim construction brief, which Plaintiff opposes.²

Rule 15(d) of the Federal Rules of Civil Procedure allows the Court to “permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented.” The Court granted Plaintiff’s motion to file a

¹ Doc. 157.

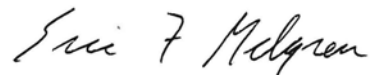
² Doc. 164.

supplemental brief under Rule 15(d) because the proposed brief included reexamination statement and other evidence that occurred after the filing of the original claim interpretation briefs. Now, the Court finds that same logic under Rule 15(d) makes it appropriate to grant Defendant leave to file a response. Defendant should be permitted to address the same new evidence.

IT IS ACCORDINGLY ORDERED that Defendant's Motion Requesting Leave to File a Response to Plaintiff's Supplemental Claim Construction Brief (Doc. 164) is hereby **GRANTED**.

IT IS SO ORDERED.

Dated this 27th day of March, 2012.

A handwritten signature in black ink, reading "Eric F. Melgren". The signature is written in a cursive, flowing style.

ERIC F. MELGREN
UNITED STATES DISTRICT JUDGE