**UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF ILLINOIS**
**EASTERN DIVISION**

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| MURATA MANUFACTURING CO., LTD., | ) | |
| Plaintiff, | ) | |
| v. | ) | Case No. 03 C 2934 |
| BEL FUSE, INC., BEL FUSE, LTD., BEL STEWART, LTD., and BEL CONNECTOR, INC. d/b/a STEWART CONNECTOR and BEL STEWART, | ) | Judge Joan B. Gottschall |
| Defendants. | ) | Magistrate Judge Jeffrey Cole |

**ORDER**

Defendants Bel Fuse, Inc. et al. (collectively "Bel") have filed a motion seeking to deny plaintiff Murata Manufacturing Co., Ltd.'s ("Murata") motion for summary judgment of literal infringement of Murata's U.S. Patent No. 5,069,641 ("the '641 patent"). Alternatively, Bel seeks to strike portions of Murata's Local Rule 56.1 ("LR 56.1") Statement of Material Facts (the "Statement"). Specifically, Bel alleges that Murata's Statement fails to substantially comply with LR 56.1, as well as the court's standing order concerning motions for summary judgment (the "Standing Order"), and that, consequently, Murata's motion for summary judgment should be denied. Should the court refuse to deny Murata's summary judgment motion, Bel moves alternatively that many, if not most, of the individual statements of material fact contained within the Statement should be stricken by the court. For the reasons set forth below, Bel's motion

to deny Murata's motion for summary judgment is granted and Murata's motion for summary judgment is consequently denied without prejudice.

## I. ANALYSIS

According to LR 56.1, a motion for summary judgment requires the movant to serve and file, in addition to the motion itself:

> (1) any affidavits and other materials referred to in Federal Rule of Civil Procedure 56(e); (2) a supporting memorandum of law; and (3) a statement of material facts as to which the moving party contends there is no genuine issue and that entitle the moving party to a judgment as a matter of law and that also includes: (A) a description of the parties, and (B) all facts supporting venue and jurisdiction in this court.

LR 56.1. Moreover, the rule further specifies, *inter alia*, that:

> The statement referred to in (3) shall consist of short numbered paragraphs, including within each paragraph specific references to the affidavits, parts of the record, and other supporting materials relied upon to support the facts set forth in that paragraph. Failure to submit such a statement constitutes grounds for denial of the motion.

This court's Standing Order further specifies the requirements for statements of facts submitted in conjunction with a motion for summary judgment:

> **Local Rule 56.1(a)(3)** requires a statement of material facts upon which the movant relies and as to which the movant believes there is no dispute. This statement shall consist of short numbered paragraphs, including within each paragraph specific references to affidavits, parts of the record, transcript excerpts and other supporting material. Failure to submit a Rule 56.1(a)(3) statement in conformity with this rule constitutes grounds for denial of the motion. Similarly, if the movant submits a 56.1(a)(3) statement that does not include specific evidentiary support for a given purported "material fact," thereof, that "fact" may be disregarded.
>
> **No argument of counsel should be included in this document. The facts included in the 56.1(a)(3) statement should be limited to actual facts; argument masquerading as fact will not be considered by the court. All argument on both factual and legal issues should be addressed in the memorandum …. "Loading up" the 56.1(a)(3) statement with inferences may result in denial of the motion on that ground alone.**

Standing Order, *available at* http://www.ilnd.uscourts.gov/home/JudgeInfo.aspx?jid=23 (bold and underline in original). Bel argues that Murata's Statement accompanying its motion for summary judgment violates both LR 56.1 and the court's Standing Order because numerous paragraphs within Bel's Statement are either immaterial, "unduly lengthy or prolux (sic)", or contain impermissible arguments, inferences, or conclusions of law, or some combination thereof. Bel argues that Murata's motion for summary judgment should therefore be denied, or, alternatively, that the offending paragraphs be stricken from Murata's Statement.

Murata responds by rather melodramatically asserting that Bel has objected "at its peril" to the form of the paragraphs, rather than properly disputing Murata's motion for summary judgment. Therefore, according to Murata, Bel should be deemed by the court to have admitted those paragraphs that Bel alleges are improper.

Murata's Statement contains 145 paragraphs. The court has examined Murata's Statement with care, and concludes that 45 of those statements contain impermissible inferences, arguments or legal conclusions. Specifically, ¶¶ 29-35, 42-49, and 60-65 all illustrate the means by which Murata's expert allegedly concludes that Bel's modular jack infringes on the '641 patent. Moreover, ¶ 36 (and accompanying diagrams on pp. 16-32), ¶ 37 (and accompanying diagrams on pp. 33-36), ¶ 51 (and accompanying diagrams on pp. 42-44), ¶ 52 (and accompanying diagrams on pp. 45-47), ¶ 53 (and accompanying diagrams on pp. 47-54), ¶ 54 (and accompanying diagrams on pp. 55-58), ¶ 66 (and accompanying diagrams on pp. 62-65), ¶ 67 (and accompanying diagrams on pp. 66-67), and ¶ 68 (and accompanying diagrams on pp. 67-69) all purport to show "the basis for [Murata's expert] opinions of similarity and infringement" (these paragraphs

also offend against the requirements of both LR 56.1 and the Standing Order that the paragraphs be short and limited to the assertion of single facts). Inferences, arguments, or legal conclusions are also contained in ¶¶ 15, 16, 17, 21, 22, 28, 38, 55, 56, 59, 69, 83, 104, 112, and 116. Paragraph 105, by contrast, does not appear to contain a single asserted fact. Thus, almost one-third of Murata's Statement violates LR 56.1 and the Standing Order.

Denial of a motion for summary judgment based upon violation of LR 56.1 or the court's Standing Order is within the court's discretion, and a district court may require strict compliance. *See Ammons v. Aramark Uniform Serv., Inc.*, 368 F.3d 809, 817 (7th Cir. 2004); *Chatman v. Vill. of Oak Park*, No. 07 C 0625, 2008 WL 516880, at *1 (N.D. Ill. Feb. 21, 2008). The court is alive to the fact that, as the record shows, this patent suit is one of no little complexity, but it is for precisely that reason that the court demands a rigorous observance of its rules. The Northern District of Illinois' Local Rules and the court's own Standing Orders are imposed to maximize judicial efficiency and promote the smooth flow of litigation. The court simply does not possess the resources to comb through the parties' statements of fact in an attempt to sift out usable fact from impermissible argument or inference. Furthermore, there is no reason why it should have to do so. *See United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir. 1991) ("Judges are not like pigs, hunting for truffles buried in briefs"). The Standing Order and LR 56.1 are composed in plain English and their meaning is clear; the court properly expects experienced and sophisticated attorneys to adhere to them strictly, particularly given the complex and sophisticated nature of this litigation.

Consequently, the court grants Bel's motion to deny Murata's motion for summary judgment, and denies Murata's motion for summary judgment of literal infringement without prejudice.

## II. CONCLUSION

For the reasons set forth above, Bel's motion to deny Murata's motion for summary judgment is granted, and Murata's motion for summary judgment is consequently denied without prejudice.

ENTER:

/s/
JOAN B. GOTTSCHALL
United States District Judge

DATED: March 5, 2008