

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

WIRTGEN AMERICA, INC.,

Plaintiff,

v.

CATERPILLAR, INC.,

Defendant.

Case No. 1:17-cv-00770-JDW

ORDER

AND NOW, this 1st day of April, 2024, upon consideration of the Parties' letters regarding scheduling as to U.S. Patent Nos. 7,523,995 and 9,975,538 (D.I. Nos. 350, 356, 357, 359) and following a telephone conference with counsel for the Parties, it is **ORDERED** as follows.

1. The stay with respect to the '995 and '538 Patents is lifted;
2. The Parties shall proceed with supplemental fact discovery to update their prior responses and to meet and confer concerning a possible machine inspection; and
3. A telephone conference is scheduled for Friday, June 14, 2024, at 4:00 PM ET regarding the status of any proceedings before the USPTO and the need for expert discovery.

It is **FURTHER ORDERED** that pursuant to counsel's representations during the telephone conference, all claims relating to U.S. Patent Nos. 8,113,592 and 9,010,871 are **DISMISSED WITH PREJUDICE**, pursuant to Federal Rule of Civil Procedure 41.1(a)(2).

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.