United States District Court,
W.D. Pennsylvania.

The SOLLAMI COMPANY,
Plaintiff.
v.
KENNAMETAL INC,
Defendant.

Feb. 28, 2008.

Jeffrey T. Morris, The Cook Law Group, P.C., Pittsburgh, PA, for Plaintiff.

Alan G. Towner, Eric G. Soller, Pietragallo, Bosick & Gordon, Pittsburgh, PA, for Defendant.

ORDER OF COURT GRANTING DEFENDANT'S MOTION TO MODIFY SPECIAL MASTER'S REPORT AND RECOMMENDATIONS CONCERNING MOTIONS FOR SUMMARY JUDGMENT (DOC. NO. 170) AND DENYING PLAINTIFF'S OBJECTIONS TO SPECIAL MASTER'S REPORT AND RECOMMENDATIONS CONCERNING SUMMARY JUDGMENT (DOC. NO. 168)

ARTHUR J. SCHWAB**, District Judge.**

Upon consideration of the Report and Recommendation of the Special Master to the Court Concerning Motions for Summary Judgment (dated December 28, 2007) (doc. no. 160), Kennametal Inc.'s Motion to Modify the Special Master's Report and Recommendations to the Court Concerning Motions for Summary Judgment (doc. no. 170), Sollami Company's Objections to Special Master's Report and Recommendations Concerning Summary Judgment (doc. no. 168), and respective responses (doc. nos. 174 and 172), and replies thereto (doc. nos. 175 and 176) it is hereby ORDERED:

1. The Report and Recommendation of the Special Master to the Court Concerning Motions for Summary Judgement (doc. no. 160) is adopted as the Order of this Court, with the following modifications:

a. Kennametal's Motion for Partial Summary Judgment to limit Plaintiff's damages claim to only those damages allegedly occurring after the date of filing of this suit (i.e., January 13, 2006) (doc. no. 1) is GRANTED; and

b. The front portion of the KPF 303 is not "generally frustoconical" as that term was defined in the Claim Construction Order (doc. no. 43) relating to U.S. Patent No. 5,585,326 B2. FN1

2. Plaintiff Sollami Company's Objections to Special Master's Report and Recommendations Concerning Summary Judgment (doc. no. 168) are OVERRULED and DENIED.

3. This Order terminates doc. nos. 107, 110, 111, 112, 168 and 170.

SO ORDERED.

FN1. After reviewing the record, the Court is able to make this modification and does not believe that it is necessary to return this matter to the Special Master.

W.D.Pa.,2008.
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