IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn

Civil Action No. 14-cv-01365-REB

MINDSHARE TECHNOLOGIES, INC., a Utah corporation, and
EMPATHICA, INC., a Canada corporation,

Plaintiffs,

vs.

LEGER METRICS, INC., a Canada corporation,

Defendant.

ORDER FOR BRIEFING ON *MARKMAN* ISSUES

Blackburn, J.

This matter is before the court *sua sponte*. In this action for alleged patent infringement, the court recognizes the need first to construe the disputed claims of the patent in suit before the case can proceed to resolution by summary judgment, trial, or otherwise. Therefore, I establish the following briefing schedule to govern resolution of these matters.

IT IS ORDERED as follows:

1. That no later than ninety days after the first answer or other response, e.g., motion to dismiss, etc., to the complaint is filed by the defendant, the parties **SHALL FILE** a joint claim construction statement setting forth the construction of claims and terms on which the parties agree and the construction of claims and terms on which the parties disagree for the patent in suit;

2. That absent further order of the court, the joint claim construction statement

SHALL BE LIMITED to fifteen (15) pages;

3. That the plaintiffs' brief on claim construction **SHALL BE FILED** 30 days after the joint claim construction statement is filed;

4. That the deadlines for filing a response brief and a reply brief, if any, **SHALL BE AS PRESCRIBED** by D.C.COLO.LCivR 7.1(d);

5. That absent further order of the court, the plaintiffs' brief on claim construction and the defendant's response brief **SHALL BE LIMITED** to twenty (20) pages;

6. That no later than ten (10) days after the reply brief is filed, the parties **SHALL CONVENE** a telephonic motions' hearing setting conference with the court's administrative assistant (303-335-2350) to set a time for a possible ***Markman***[1] hearing; provided, furthermore, that plaintiff is responsible for arranging, scheduling, and initiating the conference call, which must include representatives of all parties with authority to schedule matters in this case; and

7. That based on the parties' submissions, the court will either rule on the papers, order further briefing, convene a ***Markman*** hearing, consider appointment of a master under Fed. R. Civ. P. 53, or take such further action as the court in its discretion deems proper and necessary.

Dated May 16, 2014, at Denver, Colorado.

BY THE COURT:

Robert E. Blackburn
United States District Judge

[1] A reference to ***Markman v. Westview Instruments, Inc.***, 517 U.S. 370, 384-88 (1996)