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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

*		}	CASE NO. CV
	Plaintiff,	}	<b>ORDER RE MARKMAN HEARING IN A DESIGN PATENT CASE</b>
	v.	}	
		}	
	*	}	
	Defendant.	}	
		}	

The Court will schedule or has scheduled a *Markman* Hearing. **THE COURT WILL NOT CONSTRUE MORE THAN SIX TERMS, UNLESS A PARTY DEMONSTRATES A COMPELLING CAUSE TO DO SO.**

By not later than three weeks before the *Markman* hearing, the parties shall file the following:

1. A Joint Statement of Disputed and Undisputed Terms for each patent at issue. This statement shall list in chart form each disputed and undisputed term (and each column and line where the term appears), Plaintiff's interpretation and Defendant's interpretation. (Only undisputed terms that are important for the Court's construction of the disputed terms need be included.) The Statement shall be brief and shall not contain argument;

1           however, Plaintiff and Defendant shall reference, by page number, the  
2           section of their brief supporting their interpretation. Attached to this Order  
3           is a sample joint statement.

4                        Because in a design patent dispute the Joint Statement of Disputed  
5           and Undisputed Terms ordinarily cannot, and need not, address or deal with  
6           the meaning of words, the parties shall instead entitle the left column  
7           “ORNAMENTAL FEATURES and POINTS OF NOVELTY.” Their  
8           entries in the Joint Statement shall identify what it is about the overall  
9           design that is (or is not, as the defendant would urge) substantially similar  
10          (or, as defendant would urge, different) to the ordinary purchaser or  
11          observer. They also should identify the specific features and points of  
12          novelty in the original patent and shall summarize their contentions as to the  
13          presence or absence of those features and points in the allegedly infringing  
14          item. They should, if possible, incorporate pictures, diagrams and schema  
15          in their submission.

- 16    2.    An Electronic Copy of the Joint Statement of Disputed and Undisputed  
17          Terms
- 18    3.    A List of Exhibits and of All Witnesses (identified by status or function)  
19          upon whose testimony the parties will rely at the hearing.
- 20    4.    Declarations containing the direct testimony of each party’s witnesses.
- 21    5.    A Brief not to exceed 25 pages.

22                        By not later than one week before the *Markman* hearing, each party may  
23          file a Reply. Reply briefs shall not exceed 10 pages.

24  
25    IT IS SO ORDERED.

26  
27    DATE:

\_\_\_\_\_  
A. Howard Matz  
United States District Judge

**IDENTIFICATION OF PATENT CLAIM PHRASES FOR U.S. PATENT NO. \_\_\_\_\_**

<b>CLAIM TEXT AND COLUMN/LINE REFERENCE</b>	<b>PLAINTIFF'S INTERPRETATION AND AUTHORITY</b>	<b>DEFENDANT'S INTERPRETATION AND AUTHORITY</b>
<p>1. "In a <b>switched power supply</b>" (Col. 6, Lns 41-42; Col. 9, Lns 36-54)</p>	<p>AGREED TERM <b>switched power supply</b>: A circuit that delivers power to a load by using an electronic switch (<i>e.g.</i>, power switch).</p>	
<p>2. "a <b>rectifier</b> adapted to be connected to the <b>alternating current line</b>" (Col. 10, Lns 13-15)</p>	<p>AGREED TERM <b>rectifier</b>: A circuit or device that converts an alternating polarity signal to a single polarity signal (<i>i.e.</i>, typically a full-wave diode bridge).</p>	
	<p>DISPUTED TERM <b>alternating current line</b>: Electrical conductors capable of carrying a current whose direction changes at recurring intervals of time. <b>Authority</b>: Plaintiff's Brief at 9-10.</p>	<p>DISPUTED TERM <b>alternating current line</b>: Two or more physical conductors that carry a voltage waveform that varies in amplitude and polarity in a sinusoidal fashion (<i>e.g.</i>, the wires leading up to a typical wall outlet). <b>Authority</b>: Defendant's Brief at 14-19.</p>