IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

HEARING COMPONENTS, INC.,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 9:07CV104
v.	§	
	§	
SHURE, INC.,	§	JUDGE RON CLARK
	§	
Defendant.	§	

ORDER

Before the court is the parties' Joint Motion to Exceed the Page Limitations for *Markman* briefing [Doc. # 61]. The parties argue that the number of pages allotted to each side for briefing should be increased from thirty-five to forty-five pages, due to the number of patents (three) and claim terms (over twenty) at issue.

The court expects the parties and their attorneys to limit the terms they ultimately submit for construction to those that might be unfamiliar or confusing to the jury, or which are unclear or ambiguous in light of the specification and patent history. *See United States Surgical Corp. v. Ethicon, Inc.,* 103 F.3d 1554, 1568 (Fed. Cir. 1997). "[A]lthough every word used in a claim has a meaning, not every word requires a construction." *Orion IP, LLC v. Staples, Inc.,* 406 F.Supp.2d 717, 738 (E.D. Tex. 2005). As per the parties' Joint Claim Construction and Pre-Hearing Statement [Doc. # 50], the parties in this case have submitted no fewer than twenty claim terms spanning twelve claims for the court to construe.

In order to secure the just, speedy and inexpensive determination of this action pursuant to Fed. R. Civ. P. 1, the court ORDERS that the parties shall elect no more than ten (10) disputed

claim terms for construction. The court further ORDERS that Plaintiff shall select no more than three (3) representative claims from each patent for claim construction and trial.[2]

With this modification of the number of terms to be submitted for construction in mind, the court will deny the parties' motion to exceed the page limits for *Markman* briefing. Thirty-five pages is more than sufficient to permit the parties to identify key issues and concisely explain their respective positions to the court.[3]

IT IS THEREFORE ORDERED that the parties' Joint Motion to Exceed the Page Limitations [Doc. # 61] is DENIED.

So **ORDERED** and **SIGNED** this **13** day of **June, 2008.**

Ron Clark, United States District Judge

[1]*See, e.g.*, Local Rules for the Northern District of California, Rule 4-1(b)("The parties shall also jointly identify the 10 terms likely to be most significant to resolving the parties' dispute, including those terms for which construction may be case or claim dispositive.") and Rule 4-3; *Suncast Techs., L.L.C. v. Patrician Products Inc.*, 2008 WL 179648 at *13 (S.D. Fla. Jan. 17, 2008).

[2]*See, e.g., ReRoof America, Inc. v. United Structures of America, Inc.*, 215 F.3d 1351 (Fed. Cir. 1999) (unpublished); *Verizon California Inc. v. Ronald A. Katz Tech.*, 326 F. Supp. 2d 1060, 1066 (C.D. Cal. 2003).

[3]The court also notes that the parties did not identify the number of pages they desired for *Markman* briefing in their Joint Claim Construction and Pre-Hearing Statement. While Local Patent Rule 4-3 does not require the parties to do so, the Scheduling Order does. *See* Doc. # 30 at p. 2. The failure to provide the court with some type of guidance as to how many pages would be appropriate resulted in the thirty-five page limit the parties have deemed inadequate. Despite any rumors to the contrary, the court seldom takes the time to read the parties' minds.