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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

15 NUANCE COMMUNICATIONS, INC., a
 16 Delaware corporation,

17 Plaintiff,

18 vs.

19 ABBYY USA SOFTWARE HOUSE, INC., a
 20 California corporation, AND LEXMARK
 21 INTERNATIONAL, INC., a Delaware
 22 corporation,

23 Defendants.

24 AND RELATED CLAIMS

25 WHEREAS ordinarily the Court will construe no more than ten terms;

26 WHEREAS the parties to this *Markman* proceeding have met and conferred to limit to no
 27 more than ten the terms designated for construction; and

28 WHEREAS good cause supports this Order granting ABBYY USA Software House, Inc.

Stipulation and ~~Proposed~~ Order

Case No.: 3:08-CV-2912-JSW (MEJ)

1 (“ABBY”) and Lexmark International, Inc. (“Lexmark”) leave to designate “groups of
2 elements” (the 5,261,009 patent, Claim 22) as the eleventh term for construction at this *Markman*
3 hearing; two different software company defendants, three patents, nine representative claims,
4 and ABBY’s and Lexmark’s abandonment of three proposed terms constituting such good
5 cause.

6 NOW, THEREFORE, the Court grants ABBY and Lexmark leave to designate “groups
7 of elements” as the eleventh term for construction at this *Markman* hearing.
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9 Dated: October 12, 2010

IT IS SO ORDERED

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12 U.S. DISTRICT JUDGE JEFFREY S.
13 WHITE
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