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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SPEEDTRACK, INC.,

Plaintiff,

v.

WAL-MART STORES, INC., et al.,

Defendants.

No. C 06-7336 PJH

**ORDER REQUIRING
FURTHER BRIEFING**

The parties' cross-motions for summary judgment came on for hearing before the court on November 16, 2011. At the hearing, the court ruled on plaintiff's motion for summary judgment on the defendants' affirmative defenses and indicated that it is likely to find that there are triable issues of fact with respect to the cross-motions for summary judgment on infringement, with the possible exception being defendant's argument in connection with the "file information directory" limitation of claim 1 of the '360 patent.

Because of the potentially dispositive nature of the court's ruling with respect to the foregoing limitation, and because the parties have advanced new arguments with respect to the meaning of the court's prior construction of the term "category description" as it pertains to the "file information directory" limitation, the court has determined that further briefing is required. Specifically, the court finds it appropriate and necessary to further construe this term in order to resolve the pending motions. The parties are directed to provide additional briefing with respect to the court's prior construction of the term "category description," in light of the parties' post-reexamination arguments addressing the distinction between descriptive names and numerical identifiers.

The parties are each ordered to file simultaneously a brief in accordance with the

1 foregoing, numbering no more than 10 pages, no later than December 2, 2011. No
2 opposition or reply briefs shall be filed. The court will thereafter take the supplemental
3 briefs under submission, for resolution in conjunction with the pending cross-motions for
4 summary judgment.

5 **IT IS SO ORDERED.**

6 Dated: November 18, 2011



PHYLLIS J. HAMILTON
United States District Judge

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