

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch**

Date: February 1, 2008
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 05-cv-00086-RPM

CCC GROUP, INC., a Texas corporation,

Plaintiff,

Peter Korneffel, Jr.
Katie Rothman

v.

MARTIN ENGINEERING COMPANY, an Illinois corporation,

Defendant.

Dennis McWilliams
Mark A. Hagedorn
Peter A. Gergely

COURTROOM MINUTES

Final Pretrial Conference

9:32 a.m. Court in session.

Counsel stipulate to a seven county Denver metro area jury panel.

Court loans 10th Circuit Library copy of FJC Introduction to Patent System videotape to counsel for review to determine whether there are any objections to its use at trial (Korneffel).

Court reviews proposed final pretrial order and counsel answer questions.

Discussion regarding plaintiff's claims, patents (533, 171 and 368), claims constructions, defenses (indefiniteness), Daubert issues, depositions/witnesses, exhibits and Court's trial procedures and practices.

Mr. Korneffel states plaintiff still intends to pursue its interference with prospective business claim.

Counsel confirm that trial briefs will include all claims construction issues.
Court states counsel may include evidentiary in their trial briefs.

Mr. Korneffel informs Court that plaintiff's expert has reviewed all applications and processes.

Court states Mr. Tooker's trial deposition may be taken because of illness.

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ORDERED: Counsel shall contact its chambers to schedule a Daubert hearing on Defendant's Daubert Motion to Bar the Testimony of Plaintiff's Expert Jonathan W. Naughton, filed January 4, 2008 [193] the week prior to trial.

Court instructs defendant's counsel to have Mr. Peterson available to testify for trial and that Mr. Knowlton and Mr. Rux do not need to be produced.

Counsel state there are not videotape depositions and that trial exhibits will be presented in electronic format.

Court instructs counsel to have one copy of exhibits in paper format for jury deliberations.

ORDERED: Plaintiff's Motion to Exclude the Expert Testimony of Manuel Antonakas, filed January 4, 2008 [195], is ruled on as follows: witness may testify as to process and procedure only.

Court advise counsel of its Rule 50 practice and procedure.

Evidence regarding inequitable conduct will be taken during the course of the trial but will not be decided by the jury. Counsel will not use term during opening statements.

ORDERED: Pretrial Order entered and supplemented by the record.

10:30 a.m. Court in recess.

Hearing concluded. Total time: 58 min.