

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 07-cv-00486-REB-MEH

DUSA PHARMACEUTICALS, INC., a New Jersey corporation, and
QUEEN'S UNIVERSITY AT KINGSTON, a Canadian academic Organization,

Plaintiffs,

vs.

DAVID VEREBELYI, M.D., a Colorado resident, and
AZURE MEDICAL P.C. a Colorado corporation, d/b/a AZURE MEDICAL SPA, P.C. and
d/b/a AZURE MEDICA and d/b/a AZURE MEDICAL and d/b/a AZURE MEDICAL
SPA,

Defendants.

ORDER FOR BRIEFING ON *MARKMAN* ISSUES

Blackburn, J.

This matter is before the court *sua sponte*. In this patent infringement action, the court recognizes the need first to construe the claims of the patent before the case properly can proceed to resolution by trial, summary judgment, or otherwise. Therefore, I establish the following briefing schedule to govern resolution of these matters.

IT IS ORDERED as follows:

1. That ninety days after the first answer is filed with the court by a defendant in this case, the parties **SHALL FILE** a joint claim construction statement setting forth the construction of claims and terms on which the parties agree and the construction of claims and terms on which the parties disagree for the patent or patents at issue;

2. That absent further order of the court, the joint claim construction statement **SHALL BE LIMITED** to fifteen (15) pages;

3. That the plaintiff's brief on claim construction **SHALL BE FILED** 30 days after the joint claim construction statement is filed;

4. That the deadlines for filing response and reply briefs **SHALL BE AS PRESCRIBED** under D.C.COLO.LCivR 7.1C;

5. That absent further order of the court, the plaintiff's brief on claim construction and the defendant's response brief **SHALL BE LIMITED** to twenty (20) pages.

6. That the parties **SHALL CONVENE** a telephonic motions' hearing setting conference with the court's administrative assistant, Ms. Susan Schmitz, on **April 3, 2007**, at 10:00 a.m. to establish a time for a possible **Markman** hearing; provided, furthermore, that plaintiff is responsible for initiating the call, which must include representatives of all the parties with authority to schedule matters in this case;

7. That based on the parties' submissions, the court will either rule on the papers, order further briefing, convene a **Markman** hearing, appoint a special master, or take such further action as the court in its discretion deems proper and necessary.

Dated March 22, 2007, at Denver, Colorado.

BY THE COURT:

s/ Robert E. Blackburn
Robert E. Blackburn
United States District Judge