

**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.

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**ORDER FOR BRIEFING ON *MARKMAN* ISSUES**

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**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**