

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:09-cv-00856-PAB-KLM

PRECISION CONCRETE CUTTING, INC., a
Utah corporation,

Plaintiff,

v.

CONCRETE SIDEWALK SOLUTIONS, INC.
D/B/A SIDEWALK SHAVERS OF
COLORADO, a Colorado corporation.

Defendants.

ORDER SETTING *MARKMAN* HEARING SCHEDULE

On July 17, 2009, this matter came before the Court for a conference pursuant to Fed. R. Civ. P. 16 to determine whether a hearing under *Markman v. Westview Instruments, Inc.*, 517 U.S. 370 (1996), is required and to set a briefing schedule for claim construction. In light of that hearing, it is

ORDERED:

That a *Markman* hearing will be conducted according to the following schedule:

- a. The parties shall simultaneously exchange each party's list of claim terms needing to be construed by the Court on or before **December 4, 2009**.
- b. The parties shall simultaneously exchange each party's "Preliminary Claim Construction" and identification of Section 112 ¶ 6 structure on or before **December 11, 2009**.

c. The parties shall exchange each party's preliminary identification of extrinsic evidence on or before **December 11, 2009**.

d. Plaintiff's Opening Brief on Claim Construction shall be submitted on or before **December 18, 2009**.

e. Defendant's Responsive Brief on Claim Construction shall be submitted on or before **January 22, 2010**.

f. Plaintiff's Reply Brief on Claim Construction shall be submitted on or before **February 19, 2010**.

g. A claim construction prehearing conference shall be held on **March 5, 2010**.

h. The *Markman* hearing is set for **April 22, 2010 at 9:00 a.m.** and is scheduled to last all day. The parties agree that no live testimony will be presented at the *Markman* hearing, unless otherwise ordered by the Court. Plaintiff will present its arguments first.

DATED July 31, 2009.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge