

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

Civil Action No. 12-cv-03229-REB-MJW

HEALTHTRIO, LLC, a Colorado limited liability company,

Plaintiff,

vs.

AETNA, INC., a Pennsylvania corporation,  
ACTIVEHEALTH MANAGEMENT, INC., a Delaware corporation, and  
MEDICITY, INC., a Delaware corporation,

Defendants.

---

**ORDER**

---

**Blackburn, J.**

The matter before me is **Plaintiff's Motion To Strike Exhibits C and M From Defendants' Amended Claim Construction Brief** [#63],<sup>1</sup> filed August 30, 2013. By this motion, plaintiff asks that I strike certain foreign prosecution materials offered in support of defendants' proposed claim construction and disregard those portions of its brief in support that rely on those materials. However, I cannot definitively determine the issues raised by and inherent to the motion apart from consideration of the claim construction issues to which they pertain. I thus will deny the motion without prejudice, but take up the questions presented thereby in the context of claim construction.

---

<sup>1</sup> "[#63]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

**THEREFORE, IT IS ORDERED** that Plaintiff's Motion To Strike Exhibits C and M From Defendants' Amended Claim Construction Brief [#63], filed August 30, 2013, is **DENIED WITHOUT PREJUDICE**.

Dated September 22, 2014, at Denver, Colorado.

**BY THE COURT:**

A handwritten signature in blue ink, appearing to read "Bob Blackburn".

Robert E. Blackburn  
United States District Judge