

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

Civil Action No. 13-cv-01210-REB

STERISIL, INC., a Colorado Corporation,

Plaintiff,

v.

PROEDGE DENTAL PRODUCTS, INC, a Colorado Corporation, and
MARK A. FRAMPTON, an individual,

Defendants.

ORDER CONCERNING APPOINTMENT OF MASTER

Blackburn, J.

This matter is before the court *sua sponte*. This patent infringement case concerns a patent covering a water treatment system which inhibits growth of bacteria and biofilm growth using solid compositions of silver citrate. This case is at the point where the disputed claims in the patent in suit must be construed applying the standards of ***Markman v. Westview Instruments, Inc.***, 517 U.S. 370, 384-88 (1996) and its progeny.

The patent in suit concerns technology that is highly specialized and technical. Given that circumstance, it is likely that a master with education and skill in the technical areas addressed in the patent in suit will be able to construe the disputed claims in the patent more accurately, more efficiently, and in a more timely fashion than a judge available on this court. Under FED. R. CIV. P. 53(a)(1), these circumstances are sufficient to merit and permit the appointment of a master.

Before appointing a master, the court must give the parties notice and an opportunity to be heard. FED. R. CIV. P. 53(b)(1). This order shall serve as notice to the parties of the intent of the court to appoint a master to construe the disputed claims of the patent in suit. This order provides a schedule for the parties to state their positions on this issue and to suggest

candidates for the position of master.

THEREFORE, IT IS ORDERED as follows:

1. That by April 4, 2014, each party **SHALL FILE** a brief addressing the question of whether a master should be appointed to construe the disputed claims of the patent in suit;
2. That in its brief, each party **SHALL STATE** whether it consents to the appointment of a master to construe the disputed claims of the patent in suit;
3. That in its brief, each party **MAY SUGGEST** one or more candidates for appointment as a master and shall include a summary of the qualifications of any candidate;
4. That any party that supports the appointment of a master and/or consents to the appointment of a master **SHALL FILE** a proposed order which appoints a master to construe the disputed claims of the patent in suit and which contains the contents required under FED. R. Civ. P. 53(b)(2)(A) - (E); and
5. That the proposed order **SHALL BE** included and filed in CM/ECF as an attachment to the brief of the party submitting the proposed order and **SHALL BE** tendered separately to the court in a Microsoft Word document via e-mail at blackburn_chambers@cod.uscourts.gov.

Dated March 19, 2014, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge