

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

Civil Action No. 14-cv-01632-REB

CELLPORT SYSTEMS, INC.,

Plaintiff,

v.

TOYOTA MOTOR SALES, U.S.A., INC., and
TOYOTA MOTOR CORPORATION, a Japanese corporation,

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 method and apparatus for transmission of and receiving signals having digital information using an air link and a mobile portable wireless communication system. This case is ripe for the construction of disputed claims applying the standards of ***Markman v. Westview Instruments, Inc.***, 517 U.S. 370, 384-88 (1996) and its progeny.

The patents in suit concern technology that is highly specialized and technical. It is likely that a master with education and skill in the technical areas of the patents in suit will be able to construe the disputed claims more accurately, efficaciously, and expeditiously than a judge of this court. Under FED. R. CIV. P. 53(a)(1), these circumstances are sufficient to warrant 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 patents 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 November 17, 2014, each party **SHALL FILE** a brief addressing the question of whether a master should be appointed to construe the disputed claims of the patents 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 patents in suit;

3. That in its brief, each party **MAY SUGGEST** one or more candidates for appointment as a master and shall include a curriculum vitae of the qualifications of any candidate;

4. That any party that supports and consents to the appointment of a master **SHALL FILE** a proposed order which appoints a master to construe the disputed claims of the patents 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** 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 October 24, 2014, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge