

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**TYLER DIVISION**

**DATE:** March 3, 2011

**JUDGE**  
LEONARD DAVIS

**REPORTER:** Shea Sloan

**LAW CLERKS:** Nicole Mitchell

<b>EOLAS TECHNOLOGIES INCORPORATED</b>	<b>CIVIL ACTION NO: 6:09-CV-446</b>
<b>V</b>	<b>MARKMAN HEARING</b>
<b>ADOBE SYSTEMS INCORPORATED</b>	
<b>ATTORNEYS FOR PLAINTIFFS</b>	<b>ATTORNEY FOR DEFENDANT</b>
<b>SEE SIGN-IN SHEETS</b>	

On this day, came the parties by their attorneys and the following proceedings were had:

**OPEN:** 9:30 am

**ADJOURN:** 1:00 pm

<b>TIME:</b>	<b>MINUTES:</b>
9:30 am	Case called. Parties announced ready. See Sign-In sheets.
	Court asked parties to make an overview and opening statement.
	Mr. McKool addressed the Court and parties have agreed they will proceed as follows: Presentation of terms: "Executable Application," "Automatically Invoking." Mr. Budwin addressed the Court and they will then proceed with terms: "Text Format," and "Object."
	Court inquired as to MSJ's. Parties discussed process.
	Mr. McKool presented a brief overview of the inventions.
	Mr. Cedaroth addressed the Court and presented an overview and evolution of the terms.
	Mr. McKool presented plaintiff's proposed definition of term " <b>Executable Application.</b> "
	Mr. Cedaroth responded and presented defendant's proposed definition to term "Executable Application." Mr. McKool replied. Mr. Cedaroth further responded. Mr. McKool further addressed the Court on the <i>Pass &amp; Semour</i> case.

**DAVID J. MALAND, CLERK**

**FILED: 3.3.2011**

BY: Rosa L. Ferguson, Courtroom Deputy

TIME:	MINUTES:
	Mr. Cedaroth presented defendants' proposed definition to term " <b>Automatically Invoke.</b> "
	Mr. McKool responded. Mr. Cedaroth replied. Mr. McKool further responded. Mr. Cedaroth continued his presentation.
10:45 am	Court in recess for 10 minutes.
10:55 am	Hearing continued.
	Mr. Cawley presented plaintiff's proposed definition to term " <b>Text Format.</b> "
	Mr. Scherenbach responded to the proposed a modification to what the Court suggested.
	Mr. Cawley responded and inquired as to the receiving the transcript. Court provided again the Court's proposed definition of: "coded information that describes how the content of a hyper media document is to be interpreted by browser application for display." In addition provided the parties' modifications to the Court's proposed language.
	Mr. Cawley continued with his presentation on "embed" not needing construction. Mr. Scherenbach responded as to text format and embedded text format. Mr. Cawley responded to text format. Mr. Scherenbach replied.
	Mr. Fowler presented defendants' proposed definition of " <b>Object.</b> "
	Mr. Budwin responded and presented plaintiff's proposed definition of "object."
	Mr. Fowler replied.
	Court inquired as to how many more terms. Mr. Budwin.
	Court addressed the parties on the term executable application, was issue of machine code versus script raised and Court would like comments. Mr. Cedaroth responded and it was raised. Mr. McKool responded.
12:05 pm	Court in recess for 10 minutes.
12:15 pm	Hearing resumed.
	Mr. Budwin presented plaintiff's proposed definition of " <b>Client Workstation / Network Server.</b> "
	Mr. Perry responded and presented defendants' proposed definition of this term. Court inquired as to Slide 21 and asked for a citation as to where it came from.
	Mr. Fulghum presented defendants' proposed definition of term " <b>Network Server.</b> "
	Mr. Rappaport responded and presented plaintiff's proposed definition of "network server."
	Mr. Budwin presented plaintiff proposed definition of " <b>Distributed Application.</b> "
	Mr. Reines responded as to Judge's modification. Mr. Budwin continued with his presentation. Mr. Reines responded and presented defendants' proposed definition of "distributed application." Mr. Budwin responded.
	Mr. Budwin addressed Court and there are two more terms, but will submit on the papers.

TIME:	MINUTES:
	Mr. Scherenbach Slide 21and gave the Court the citation for that slide. Exhibit J . Mr. Budwin addressed the Court on Exhibit J.
	Mr. Reines addressed the Court on the <b>Defendant's MSJ on Indefiniteness.</b>
	Mr. Campbell responded. Mr. Reines responded. Mr. Campbell further responded.
	Mr. Cedaroth and Mr. Campbell both will submit on the papers Defendants' MSJ on Intervening Rights.
	Mr. Cedaroth addressed the Court on scripts and prior case.
1:00 pm	There being nothing further, Court adjourned.