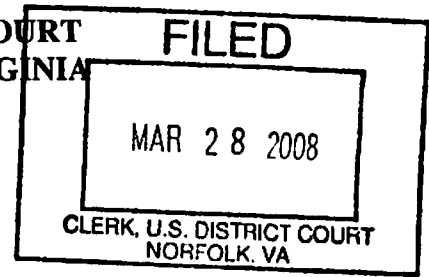


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION



**BID FOR POSITION LLC,**

**Plaintiff,**

v.

**CIVIL ACTION NO. 2:07cv582**

**AOL LLC, et al.,**

**Defendants.**

**ORDER**

The plaintiff has brought a patent infringement suit against the defendants in this case.

A Markman hearing has been scheduled for June 9, 2008 at 10:00 am. The purpose of a Markman hearing is to assist the court in construing the meaning of the patent at issue. Markman v. Westview Instruments, Inc., 517 U.S. 370, 371 (1996); Markman v. Westview Instruments, Inc., 52 F.3d 967 (Fed. Cir. 1995), aff'd, 517 U.S. 370 (1996). Patents consist of “claims” and claim construction “is a question of law, to be determined by the court.” Markman, 517 U.S. at 371; Markman, 52 F.3d at 970-71. A court need only construe, however, claims “that are in controversy, and only to the extent necessary to resolve the controversy.” Vivid Techs., Inc. v. Am Science & Eng’g, Inc., 200 F.2d 795, 803 (Fed. Cir. 1999) (citation omitted).

The court seeks to determine what claims need to be addressed at the hearing.

Accordingly, the court **ORDERS** that the parties confer and submit a joint statement to the court by May 12, 2008 to apprise the court of the portions of the patent(s), if any, that are in dispute.

The joint statement should include the following:

1. The construction of the claims and terms to which the parties agree;
2. Each side's construction of disputed claims and terms, if any;
3. Each side's rebuttal to the proposed construction submitted by the opposing party, if any; and
4. If disputed claims and terms exist, each proposed witness at the claim-construction hearing together with a brief description of the witness's testimony;

See Precision Shooting Equip., Inc. v. High Country Archery, 1 F. Supp. 2d 1041, 1043 (D. Ariz. 1998).

The Clerk is requested to send a copy of this Order to all counsel of record.

/s/ Jerome B. Friedman

United States District Judge



Norfolk, Virginia  
March 28, 2008