

GUIDELINE FOR CLAIM CONSTRUCTION RULINGS IN PATENT CASES
(December 21, 2010)

It is the court's practice to construe only those terms identified by the parties as disputed terms (in the joint claim construction statement or claim chart) for purposes of the summary judgment practice in jury trials.

The claim construction that flows from summary judgment is subject to amending by the court, as follows:

Should the parties thereafter focus on words that were previously unidentified to the court, or otherwise backpeddle from the court's current construction, the court will construe the new term(s) as needed and may clarify, revise, expand or narrow its prior constructions of previously-identified terms in connection with this exercise up until the case goes to the jury.