

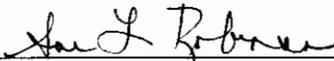
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LML PATENT CORPORATION, )  
)  
Plaintiff, )  
)  
v. ) Civ. No. 04-858 SLR  
)  
)  
TELECHECK SERVICES, INC. )  
ELECTRONIC CLEARING HOUSE, )  
INC., XPRESSCHEX, INC., and )  
NOVA INFORMATION SYSTEMS, )  
INC., )  
)  
Defendants. )

**MEMORANDUM ORDER**

At Wilmington this 28<sup>th</sup> day of March, 2006, having reviewed defendants' motion for leave to file and brief a summary judgment motion on the issue of indefiniteness;

IT IS ORDERED that said motion (D.I. 516) is denied. Although the Federal Circuit in IPXL Holdings, L.L.C. v. Amazon.com, Inc., 430 F.3d 1377 (Fed. Cir. 2005), describes its holding as "issue of first impression **in this court**," id. at 1384 (emphasis added), it is clear that the IPXL ruling is consistent with the holdings of its predecessor court and is not, therefore, "new" law deserving of special treatment outside the case management deadlines applicable to this case.

  
\_\_\_\_\_  
United States District Judge