United States District Court,
W.D. Virginia, Roanoke Division.

DE TECHNOLOGIES, INC,
Plaintiff.
v.
DELL, INC,
Defendant.

Feb. 14, 2006.

Anthony A. Froio, Cara Eileen Corbett, Christopher Patrick Sullivan, David E. Marder Dirk D. Thomas, Jonathan D. Mutch, Marc N. Henschke, Pascale Guerrier, Robins, Kaplan, Miller & Ciresi, LLP, Boston, MA, Matthew Patrick Warren Pritts, William B. Poff, Woods Rogers PLC, Roanoke, VA, for Plaintiffs.

Christopher L. Peele, Christopher V. Ryan, Graham E. Sutliff, John M. Faust, Kristen P. Foster, Matt Wermager, Michael A. Valek, Roderick B. Williams, Willem G. Schuurman, Vinson & Elkins LLP, Austin, TX, William Raymond Rakes, Gentry Locke Rakes & Moore, Roanoke, VA, for Defendants.

ORDER

GLEN E. CONRAD**, District Judge.**

For the reasons set forth in the Memorandum Opinion issued this day, it is hereby

ORDERED

that for the purposes of U.S. Patent Nos. 6,460,020 ('020 Patent) and 6,845,364 ('364 Patent), the following phrases are construed as follows:
1. The phrase "running a transaction program on a computer system so as to integrate processes," as used in Claim 1 of the '020 Patent and Claim 1 of the '364 Patent means **"running a single transaction program which utilizes and communicates with such additional programs, databases, and systems as are necessary to enable the transaction program to integrate the recited processes (a) to (h) into one functional system for carrying out international commercial transactions;"**

2. The phrase "selecting a language from a menu," as used in Claim 1 of the ' 020 Patent means **"choosing a language after presentation of a language menu and consideration of user input;"**

3. The phrase "selecting a currency from a menu," as used in Claim 1 of the ' 020 Patent means **"choosing a currency after presentation of a currency menu and consideration of user input;"**

4. The phrase "international shipping information," as used in Claims 1 and 13 of the '020 Patent and Claim 1 of the '364 Patent means **"any information, including at least shipping options and associated costs,**

related to shipping a product internationally from its point of origination to its point of destination;"

5. The phrase "calculating costs involved in moving such product to said destination based upon said destination and such product," as used in Claims 1 and 13 of the '020 Patent and Claim 1 of the '364 Patent means **"determining all applicable costs of moving the selected product to said destination;"**

6. The phrase "determining a total cost of the transaction that includes a price of the product," as used in Claims 1 and 13 of the '020 Patent means **"determining the total cost of the transaction borne by the buyer for obtaining a selected product at a selected destination that includes the price of the product;"**

7. The phrase "upon confirmation of availability of said funds, accepting said order, generating an electronic record," as used in Claim 1 of the '020 Patent and Claim 1 of the '364 Patent means **"following determination that the funds are available, confirming acceptance of the order and generating an electronic record;"**

8. The phrase "commercial invoice," as used in Claims 1 and 13 of the '020 Patent and Claim 1 of the '364 Patent means **"an international shipping document that contains at least the information in the form required under the applicable laws of the jurisdiction[s] through which the selected product travels;"**

9. The phrase "moving said electronic record via EMF communications links from point to point," as used in Claim 2 of the '364 Patent means **"transmitting the electronic record electronically to at least one point and, where necessary and where feasible, between or among other points along the route of passage for the selected product;"**

10. The phrase "authorization data," as used in Claim 3 of the '364 Patent means **"data relevant to obtaining authorized passage through a point;"**

11. The phrase "transfer of payment," as used in Claim 4 of the '364 Patent means **"data enabling the electronic record to authorize payment."**

The Clerk is directed to send certified copies of this order to all counsel of record.

W.D.Va.,2006.
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