United States District Court,
E.D. Texas, Lufkin Division.

LUNAREYE, INC,
Plaintiff.
v.
INDEPENDENT WITNESS, INC., et al,
Defendant.

Civil Action No. 9:05-CV-188

Oct. 3, 2006.

Edwin Armistead Easterby, Williams Bailey Law Firm, Katherine G. Treistman, Max Lalon Tribble, Jr., Stephen Frederick Schlather, Susman Godfrey LLP, Houston, TX, Travis Paul Clardy, Clardy Law Offices, Nacogdoches, TX, for Plaintiff.

Joseph M. Kuo, Matthew David Kellam, Talivaldis Cepuritis, Olson & Hierl, Ltd, Chicago, IL, Lawrence Louis Germer, Charles W. Goehringer, Jr., Germer Gertz, L.L.P., Beaumont, TX, H. Craig Hall, Law Office of H. Craig Hall, Jr., West Valley, UT, for Defendant.

ORDER ON AGREED CLAIM TERMS OF UNITED STATES PATENT NO. 6,484,035

RON CLARK**, District Judge.**

Plaintiff LunarEye, Inc. ("LunarEye") filed suit against Defendants Independent Witness, Inc. ("IWI"), BP America Production Company and BP America, Inc., (collectively "Defendants") claiming infringement of United States Patent No. 6,484,035 ("the '035 patent"). The parties agreed on the construction of the following claim terms.

I. Background and Standard of Review

For background of the patent, a description of the technology involved, and the standard of review, see Memorandum Opinion and Order Construing Claim Terms of United States Patent No. 5,404,505, filed October 3, 2006.

II. Claim Terms

1. "A data selecting device for selecting less than all of the location data to include in the location signal"

The parties agree on the following construction:

"A data selecting device for selecting less than all of the location data to include in the location

signal" means "microprocessor or other computing device together with firmware/software that selects less than all of the location data to include in the location signal.."

2. "Wherein the data selecting device reorders the selected location data"

The parties agree on the following construction:

"Wherein the data selecting device reorders the selected location data" means "the same microprocessor/firmware combination that selects less than all the data also changes the order of the selected location data."

III. Conclusion

The jury shall be instructed in accordance with the agreed claim terms in the '035 patent.

So **ORDERED.**

E.D.Tex.,2006.
Lunareye, Inc. v. Independent Witness, Inc.

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