

# ***LegalMetric***

## **LegalMetric Nationwide Report**

### **Markman Rulings**

**January, 1991 to December, 2008**

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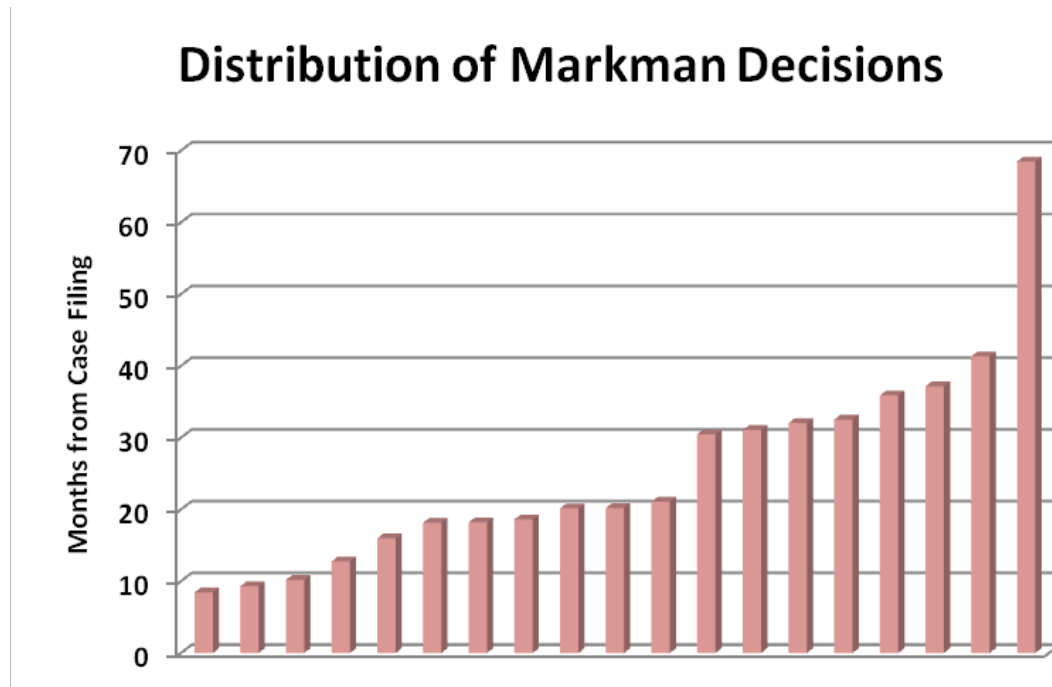
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### Appendix 3.12—Florida Middle District Markman Rulings

Average time to decision (months from case filing): 25.4 months

Number of decisions: 19

The distribution of decisions on Markman Rulings for this district is shown in the chart below in which each vertical line/column represents a decision and the length of the line/column represents the number of months from case filing to decision. Gaps (if any) at the beginning of each distribution represent decisions having a very short time from case filing to decision. Vertical lines/columns (if any) which are much longer than average usually represent Markman rulings occurring after appeal and remand.



The table below includes the case names, case numbers, and docket entries reflecting Markman rulings found for this court.

Case Name	Case Number	Docket Entry Date	Docket Sequence Number	Docket Entry
800 Adept, Inc. v. Murex Securities LTD, et al	6:02cv01354	2005-05-27	178	ORDER on Appeal of [152] Magistrate Order on Motions for Markman Rulings. Modifying, in part, constructions of patent claim terms. Signed by Judge John Antoon II on 5/31/2005. (EMW) (Entered: 05/31/2005)
Berkel & Company Contractors, Inc. v. HJ Foundation, Inc.	6:06cv01073	2008-01-25	105	ORDER granting [55] Motion for summary judgment; denying [57] Motion for Claim ConstructionClaim Construction; granting in part and denying in part [59] Motion for Claim Construction. Signed by Judge Gregory A. Presnell on 1/25/2008. (AEB) (Entered: 01/25/2008)
Derma Sciences, Inc. v. Hyperion Medical	6:98cv00667	1999-03-18	74	ORDER the claims terms are issue shall be construed in the manner set forth herein and denying as moot [65-1] motion to strike [62-1] support memorandum. (Signed by Magistrate Judge Karla R. Spaulding) ctc (maa) (Entered: 03/18/1999)
Every Penny Counts, Inc. v. Bank of America Corporation et al	2:07cv00042	2008-09-29	174	OPINION AND ORDER adopting in part, rejecting in part, and modifying in part [164] Report and Recommendations as provided in the Opinion and Order. Signed by Judge John E. Steele on 9/29/2008. (RKM) (Entered: 09/29/2008)
Every Penny Counts, Inc. v. First Data Corporation, Inc. et al	8:07cv01254	2008-05-22	97	ORDER ATTACHED setting out the Court's claims construction on due consideration of the parties' written submissions, evidentiary presentations, and oral arguments and for the reasons announced on the record at the Markman hearing held this day. The Clerk is directed to enter judgment for Defendants and against Plaintiff and to close this case. Signed by Judge Richard A. Lazzara on 5/22/2008. (DMB) (Entered: 05/22/2008)
Ice House America, LLC v. Redico, Inc. et al	3:05cv01294	2008-07-22	116	ORDER. The claim language in dispute in this case shall be construed as stated in this Order. Defendant's Motion in Limine to Exclude Dalbert U. Shefte [93] is DENIED as moot. Ice House America, LLC's Motion in Limine to Exclude All Evidence of Defendants on Ordinary Skill in the Art and to Strike Portion of Defendant's Markman Submission [99] is DENIED as moot. See Order for details. Signed by Judge Virginia

				M. Hernandez Covington on 7/22/2008. (WBR) (Entered: 07/22/2008)
J.P. Morgan Trust Company, National Association v. Potash Corporation of Saskatchewan, Inc.	3:05cv00587	2008-03-12	201	ORDER on Claims Construction; updating deadlines: motions for reconsideration due 4/2/08; responses due 4/18/08; fact discovery closes 5/30/08; expert discovery closes 8/8/08; dispositive and Daubert motions due 9/5/08; responses due 10/3/08; pretrial statement due 1/14/09; Final Pretrial Conference set for 1/21/09 at 3:00 p.m. in Courtroom 10B before Judge Timothy J. Corrigan; Jury Trial set for trial term 2/2/09-2/13/09 before Judge Timothy J. Corrigan; see Order for additional deadlines. Signed by Judge Timothy J. Corrigan on 3/12/2008. (JAL) (Entered: 03/12/2008)
Johnson & Johnson Vision Care, Inc. v. CIBA Vision Corporation	3:05cv00135	2008-02-04	115	ORDER on claims construction. Parties may file motions for reconsideration by 2/21/08; parties may file responses by 3/10/08; parties shall file joint status report by 3/10/08. Signed by Judge Timothy J. Corrigan on 2/4/2008. (JAL) (Entered: 02/04/2008)
Johnson & Johnson Vision Care, Inc. v. CIBA Vision Corporation	3:05cv00135	2008-03-14	121	CORRECTED ORDER on claims construction (Markman order). Signed by Judge Timothy J. Corrigan on 3/14/2008. (JAL) (Entered: 03/14/2008)
Karolewicz v. Drummond Press, Inc.	3:06cv00641	2008-03-19	68	ORDER re: Markman Hearing held February 8, 2008; Order also denying as moot [33] Motion for Partial Summary Judgment; denying as moot [36] Motion for summary judgment. See Order for details.. Signed by Senior Judge John H. Moore, II on 3/19/2008. (VMF) (Entered: 03/19/2008)
Linq Industrial v. Intertape, Inc., et al	8:03cv00528	2005-11-23	116	ORDER: The Report and Recommendation of the Special Master on Claim Construction [106] is adopted, confirmed, and approved in all respects. The Defendants' Objections [111] are overruled and the Clerk is directed to terminate same as a pending motion. The parties are directed to conduct a case management conference within the next 20 days and submit to the Court joint proposed dates for bringing this case to a conclusion. Signed by Judge James S. Moody Jr. on 11/23/2005. (len) (Entered: 11/23/2005)
Maritrans, Inc., et al v. Penn Maritime, Inc., et al	8:03cv00620	2004-10-20	181	ORDER on the the construction of the disputed term as discussed at the Markman Hearing. Signed by Judge Susan C Bucklew on 10/20/2004. (bs) (Entered: 10/20/2004)

				10/20/2004)
Pandora Jewelry, LLC v. Cappola Capital Corporation	8:06cv00845	2008-02-04	117	ORDER granting [81] , [83] Motions for claim construction. The parties are directed to file all dispositive motions by February 22, 2008. The Court will hold a pretrial conference in this case on Thursday July 3, 2008 at 8:30 a.m. in Courtroom 14A. The case is now set on the Court's August 2008 trial calendar. Signed by Judge Susan C Bucklew on 2/4/2008. (JD) (Entered: 02/04/2008)
Precision Shooting v. Golden Eagle, et al	8:00cv00450	2005-11-17	152	ORDER adopting Report and Recommendations re [125] Report and Recommendations and objections are overuled. (see order for details. Signed by Judge Elizabeth A. Kovachevich on 11/17/2005. (sn) (Entered: 11/17/2005)
Shanghai Ele Manufacturing Corporation v. Technology Research Corporation	8:07cv01007	2008-07-03	64	ORDER granting [63] Joint Motion to Adopt Previous Claim Construction. Signed by Judge James D. Whittemore on 7/3/2008. (KE) (Entered: 07/03/2008)
Thermal Technologies, et al v. Dade Service Corp.	6:03cv01414	2004-06-14	81	ORDER: The Court construes the disputed terms in Claims 19 and 35 of the 557 Patent and in Claim 1 of the 158 Patent. (See Order) ( Signed by Judge Gregory A. Presnell on 6/14/04 ) ctc (nbl) (Entered: 06/15/2004)
Thermo-Ply, Inc. v. Ohio Willow Wood Company et al	8:05cv00779	2008-09-29	120	ORDER adopting [82] REPORT AND RECOMMENDATION re [62] Joint MOTION for Hearing <i>Markman</i> filed by Thermo-Ply, Inc.. Signed by Judge Elizabeth A. Kovachevich on 9/29/2008. (JM) (Entered: 09/29/2008)
Timecertain, LLC, v. Authentidate Holding Corporation et al	8:05cv01559	2006-12-22	103	CLAIM CONSTRUCTION ORDER--construing certain disputed claim terms. Signed by Judge Steven D. Merryday on 12/22/2006. (BK) (Entered: 12/22/2006)
Trizen Systems, Inc. v. Software AG, Inc., et al	6:02cv00920	2004-02-12	198	MARKMAN ORDER: The Court construes the disputed claims of the '164 Patent as detailed herein. ( Signed by Judge John Antoon II ) ctc (cbh) (Entered: 02/12/2004)