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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

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IN RE: PERSONALWEB
TECHNOLOGIES, LLC, ET AL. PATENT
LITIGATION

Case No. [18-md-02834-BLF](#)

**ORDER CLARIFYING NUMBER OF
TERMS SUBJECT TO CLAIM
CONSTRUCTION**

[Re: ECF 399]

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On April 8, 2019, PersonalWeb Technologies, LLC (“PersonalWeb”) filed its opening claim construction brief. ECF 399. The Patent Local Rules for the Northern District of California limit claim construction to a maximum of 10 terms. *See* Patent L.R. 4-3(c). Similar but different terms that appear in separate claims or separate patents are not the same term. In certain limited circumstances the Court will construe slightly different terms as one term, but only where the terms are effectively indistinguishable and each side seeks only one identical construction for the group of different terms. Put differently, every claim construction “box” in the briefing that contains each side’s respective proposed construction for that term is counted as one term.

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Upon initial review by the Court, PersonalWeb’s opening claim construction brief appears to include approximately 20 terms. The Court shall analyze and construe only the first 10 terms that appear in the brief. Alternatively, the parties shall meet and confer to select 10 terms and PersonalWeb may file a modified opening brief that includes no more than 10 terms, **no later than Friday, April 12, 2019**. To the extent that the parties agree that a group of terms is susceptible of a single construction, the terms may be grouped as one term.

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IT IS SO ORDERED.

Dated: April 9, 2019

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BETH LABSON FREEMAN

United States District Court
Northern District of California