EXHIBIT 2015

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

AMERANTH, INC.	§	
	§	
	§	
	§	
vs.	§	CASE NO. 2:07-CV-271-CE
	§	
MENUSOFT SYSTEMS CORPORATION	§	
and CASH REGISTER SALES &	§	
SERVICE OF HOUSTON, INC.	§	

ORDER

Currently before the Court is paragraph 5 of Plaintiff's Second Motion in Limine. (Dkt. No. 188). Contained within paragraph 5 of Plaintiff's motion are three sub-motions addressed to testimony inconsistent with the Court's claim construction order. Plaintiff seeks to exclude evidence, testimony, and argument that (5a) "transmitting ... to a web page" is not transmitting to a traditional web client; (5b) that "actual transmission" is required; and (5c) that data must reside on or be stored on a client device.

With regard to part 5a of Plaintiff's motion in limine, the Court has ordered the parties to provide supplemental briefing for the purpose of construing the term "transmitting ... to a web page." Until the Court construes this term, neither party is to argue or offer evidence or testimony to the jury that the claim limitation at issue requires anything more than transmitting to a traditional web client without first approaching the bench. In the event that the Court construes the term more narrowly, the jury will receive an appropriate instruction.

With regard to part 5b of Plaintiff's motion in limine, the Court GRANTS Plaintiff's motion. Limitation g of the asserted independent claims requires "software for generating ... and transmitting," not actual transmission.

With regard to part 5c of Plaintiff's motion in limine, the Court DENIES Plaintiff's motion. The Court's construction requires that "a change to data made on a central server is updated on client devices and vice versa" which implicitly, if not explicitly, requires data on the client devices. In the context of the invention, the client devices must have some capacity for data storage, even if only temporary, because the systems of the independent claims require software capable of transmitting data in the form of menus to the client devices. However, Defendant is cautioned against presenting evidence, testimony, or argument to the jury that any kind of permanent data storage capability is required in the client devices without first approaching the bench. The Court's construction does not require the client device to contain a database or to retain a complete copy of the data from the central server.

SIGNED this 9th day of September, 2010.

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CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE

2