

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 MARSHALL DIVISION

4 AMERANTH, INC. ) (  
5 ) ( CIVIL DOCKET NO.  
6 ) ( 2:10-CV-294-JRG-RSP  
7 VS. ) ( MARSHALL, TEXAS  
8 ) (  
9 PAR TECHNOLOGY CORP., ) ( MAY 30, 2012  
10 ET AL. ) ( 1:30 P.M.

11 CLAIM CONSTRUCTION HEARING  
12 BEFORE THE HONORABLE JUDGE ROY S. PAYNE  
13 UNITED STATES MAGISTRATE JUDGE

14

15 APPEARANCES:

16

17 FOR THE PLAINTIFF: (See attached sign-in sheet.)

18

19 FOR THE DEFENDANTS: (See attached sign-in sheet.)

20

21 COURT REPORTER: MS. SHELLY HOLMES, CSR  
22 Deputy Official Court Reporter  
23 2593 Myrtle Road  
24 Diana, Texas 75640  
25 (903) 663-5082

24

25 (Proceedings recorded by mechanical stenography,

transcript produced on a CAT system.)

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I N D E X

May 30, 2012

Page

Appearances	1
Hearing	3
Court Reporter's Certificate	106

1 LAW CLERK: All rise.

2 THE COURT: Good afternoon. Please be  
3 seated.

4 For the record, we are here for the Markman  
5 hearing in Ameranth, which is Case No. 2:10-294.

6 Would counsel introduce themselves for the  
7 record?

8 MR. PHILLIPS: Yes, Your Honor, Larry  
9 Phillips on behalf of plaintiff, Ameranth, and I'm here,  
10 Your Honor, on behalf of my partner, Michael Smith, who  
11 was out of town, and wanted to introduce John Osborne  
12 with the Osborne Law Firm who will be speaking today on  
13 behalf of the plaintiff. And Mike Fabiano is also here  
14 today. He will not be speaking. And we also have our  
15 client, Keith McNally, who is president and lead  
16 inventor with Ameranth.

17 THE COURT: All right. Thank you.

18 MR. JONES: Your Honor, Mike Jones on behalf  
19 of Par Technology and Partech, Inc., and here today with  
20 me representing those two defendants is Mr. Blake  
21 Bettinger -- Blaine Bettinger, excuse me -- and  
22 Mr. Frederick Price and Mr. George McGuire who will be  
23 making the presentation, Your Honor, and we're ready to  
24 proceed.

25 THE COURT: All right. Thank you.

1 I have typically found it most helpful to  
2 proceed on a claim-by-claim basis so that we get both  
3 sides making their presentation on the same claim.

4 Do counsel have any preference regarding  
5 whether you -- it's all right with me if you proceed  
6 from your desk -- from the table there if that works  
7 better for you, as long as you're by a mic, or if you  
8 need the technology up here, you can just take turns at  
9 the lectern. Any preference one way or the other?

10 MR. OSBORNE: I think probably the lectern  
11 for me, Your Honor.

12 THE COURT: All right.

13 MR. MCGUIRE: Yes, Your Honor, we'll go to  
14 the lectern, as well.

15 THE COURT: All right. Good. Well, then  
16 you may proceed.

17 MR. OSBORNE: Your Honor, so we'll be  
18 proceeding on a term -- disputed term-by-term basis as  
19 you indicated.

20 THE COURT: And if I said claim-by-claim, I  
21 meant term-by-term, but --

22 MR. OSBORNE: I -- we know what you meant.  
23 We think the same way.

24 I wonder if the -- if the Court might be  
25 interested in a short background preliminary before I

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