

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

FINANCIAL SYSTEMS TECHNOLOGY	§	
(INTELLECTUAL PROPERTY)	§	
PTY. LTD. and FINANCIAL SYSTEMS	§	
TECHNOLOGY PTY. LTD.,	§	
	§	CIVIL ACTION 2:08-CV-371 (TJW)
Plaintiffs,	§	
	§	
v.	§	JURY TRIAL
	§	
ORACLE CORPORATION,	§	
	§	
Defendant.	§	

PATENT RULE 4-3 JOINT CLAIM CONSTRUCTION
AND PRE-HEARING STATEMENT

Plaintiffs Financial Systems Technology (Intellectual Property) Pty. Ltd. and Financial Systems Technology Pty. Ltd. (collectively, “FST”) have asserted that Defendant Oracle Corporation (“Oracle”) infringes the following claims of the FST patents-in-suit:

U.S. Patent No. RE 40,520: Claims 1-18

U.S. Patent No. RE 40,526: Claims 1-16

Pursuant to Patent Rule 4-3, and the Court’s Docket Control Order dated February 8, 2010 (*see* Docket #43), the parties submit this joint claim construction and pre-hearing statement with respect to the FST patents-in-suit.

(a) **Agreed Constructions**

The parties have been unable to reach agreement on the constructions of any of the claim terms and phrases of the FST patents-in-suit.

(b) **Disputed Claim Terms**

IBM Ex. 1011

FST's proposed constructions for each disputed claim term from the FST patents-in-suit, as well as its identification of supporting evidence, are set forth in Exhibit A. Oracle's proposed constructions for each disputed claim term from the FST patents-in-suit, as well as its identification of supporting evidence, are set forth in Exhibit B.

(c) **Time for Claim Construction Hearing**

FST believes that 3 hours will be sufficient for the claim construction hearing.

Oracle believes that 6 hours will be sufficient for the claim construction hearing.

(d) **Witnesses**

If the Court permits live expert testimony, Oracle may call Dr. Michael Stonebraker to testify on the subjects set forth in Exhibit C. Otherwise, Oracle may provide Dr. Stonebraker's testimony in the form of a declaration. FST does not believe that expert testimony is necessary. However, to the extent that Oracle relies on expert testimony, FST may rely on expert testimony from Mr. Neeraj Gupta for purposes of rebuttal.

(e) **Other Issues**

FST is not aware of any other issues that should be taken up at a pre-hearing conference before the claim construction hearing. Oracle believes that the issue of whether live expert testimony will be permitted at the Claim Construction Hearing would be appropriately addressed in a brief telephonic pre-hearing conference.

DATED: July 9, 2010.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Geoffrey L. Smith
Geoffrey L. Smith

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