

United States District Court,
E.D. Texas, Lufkin Division.

COMPUTER ACCELERATION CORPORATION,
Plaintiff.

v.

MICROSOFT CORPORATION,
Defendant.

No. 9:06-CV-140

May 7, 2007.

Mike McKool, Jr., Alfredo Leopoldo Silva, Erick Scott Robinson, Lindsay K. Martin, Martin C. Robson, III, Robert Marc Manley, Rosemary Tyson Snider, McKool Smith, Dallas, TX, Andrew Thompson Gorham, Charles Ainsworth, Robert Christopher Bunt, Robert M. Parker, Tyler, TX, Claude Edward Welch, Law Office of Claude E. Welch, Lufkin, TX, Glenn Edward Janik, Shore Chan Bragalone, Dallas, TX, Gretchen Kristen Harting, John Bruce Campbell, Jr., Kevin Lee Burgess, McKool Smith, Austin, TX, Samuel Franklin Baxter, McKool Smith, Marshall, TX, for Plaintiff.

Matthew Douglas Powers, Douglas E. Lumish, Joseph H. Lee, Weil Gotshal & Manges, Redwood Shores, CA, Amber Hatfield Rovner, John Halbleib, Kevin Sean Kudlac, Weil Gotshal & Manges, Austin, TX, Benjamin Charles Elacqua, David J. Healey, Norma N. Bennett, Fish & Richardson PC, Houston, TX, Clayton Edward Dark, Jr., Attorney at Law, Lufkin, TX, Lawrence Louis Germer, Germer Gertz, Beaumont, TX, Matthew Paul Harper, Weil Gotshal & Manges, Dallas, TX, Steven C. Carlson, Fish & Richardson, Redwood City, CA, for Defendant.

ORDER ON AGREED CLAIM TERMS

RON CLARK, District Judge.

Plaintiff Computer Acceleration Corporation ("CAC") filed suit against Defendant Microsoft Corporation ("Microsoft") claiming infringement of United States Patent No. 5,933,630 ("the' 630 patent"). FN1 The definitions agreed upon comport with the meaning of the terms as they are used in the claims, the specification, the prosecution history, and any applicable extrinsic evidence. Therefore, these terms will be defined as follows:

FN1. For a background of the patents, a description of the technology involved, and the standard of review, see this court's prior order construing claim terms of these patents.

I. Claim Terms

1. "Launch."

"**Launch**" means "the process performed during the launch time to start up the computer program and get the computer ready to accept input commands for the computer program."

2. "Launch time."

"**Launch time**" means "the time from when a processor receives a command to start the computer program until the time that the computer program is ready to accept input commands (e.g., user interface commands, batch-entry commands)."

3. "Launch sequence."

"**Launch sequence**" means "the sequence of steps executed by the computer system during the launch time which pertain to starting up a given computer program and getting the computer ready to accept input commands for the computer program."

4. "Physical address block."

"**Physical address block**" means "a minimum unit of physical addresses on the secondary storage device copied to a primary storage device."

5. "Secondary storage device."

"**Secondary storage device**" means "a memory for storing one or more computer programs to be executed by the processor (e.g., a disk storage device)."

6. "Physical addresses."

"**Physical addresses**" means "the actual addresses of memory locations on the secondary storage device."

7. "Memory block."

"**Memory block**" means "the smallest number of physical addresses that can be read from or written to the secondary storage device."

8. "Primary storage device."

"**Primary storage device**" means "a storage device, typically having faster access time than that of the secondary storage device, to which portions of the computer program being launched are copied for the processor (e.g. RAM)."

9. "Altering the log file to eliminate duplicate accesses to the same physical address book."

"**Altering the log file to eliminate duplicate accesses to the same physical address book**" means "processing the log file to eliminate any log entries or log entry portions that would cause duplicate accesses to the same physical address block."

10. "Altered log file."

"**Altered log file**" means "the log file processed so that log entries or log entry portions that would cause duplicate accesses to the same physical address block have been eliminated."

11. "Final log file."

"**Final log file**" means "a file generated from the altered log file by reordering the log entries remaining in the altered log file."

II. Conclusion

The jury shall be instructed in accordance with these agreed interpretations of the claim terms in the '630

patent.

So **ORDERED.**

E.D.Tex.,2007.

Computer Acceleration Corp. v. Microsoft Corp.

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