



7. Memorandum Opinion regarding Modification of the Court's Markman Ruling entered on February 26, 2007 (Doc. No. 255); and
8. Memorandum Opinion entered on July 17, 2006 (Doc. No. 89).

Dated: November 8, 2010.

Respectfully submitted,

/s/ Howard L. Close

Howard L. Close

State Bar No. 04406500

WRIGHT, BROWN & CLOSE, LLP

Three Riverway, Suite 600

Houston, Texas 77056

Tel: 713-572-4321

Fax: 713-572-4320

[close@wrightbrownclose.com](mailto:close@wrightbrownclose.com)

**LEAD COUNSEL FOR DEFENDANTS**

**OF COUNSEL:**

R. Russell Hollenbeck

State Bar No. 00790901

WRIGHT, BROWN & CLOSE, LLP

Three Riverway, Suite 600

Houston, Texas 77056

Tel: 713-572-4321

Fax: 713-572-4320

[hollenbeck@wrightbrownclose.com](mailto:hollenbeck@wrightbrownclose.com)

Andy Tindel

State Bar No. 20054500

PROVOST \* UMPHREY LLP

112 E. Line Street, Suite 304

Tyler, Texas 75702

Tel: 903-596-0900

Fax: 903-596-0909

[atindel@andytindel.com](mailto:atindel@andytindel.com)

Scott Daniels  
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
1250 Connecticut Avenue, NW Suite 700  
Washington, DC 20036  
Tel: 202-822-1100  
Fax: 202-822-1111  
SDaniels@whdapatentlaw.com

**CERTIFICATE OF SERVICE**

I hereby certify that Plaintiffs are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on November 8, 2010:

Mr. Andy Vickery  
Mr. Michael Mallia  
Vickery, Waldner & Mallia, LLP  
Houston, Texas 77056

Via ECF

/s/ Howard L. Close  
Howard L. Close