IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WESTINGHOUSE ELECTRIC COMPANY LLC,	)	
Plaintiff,	)	Civil No. 13-1124
	)	Judge Nora Barry Fischer
v.	)	
ZETEC, INC.,	)	
Defendant.	)	

HEARING ON Claim Construction
Before Judge Nora Barry Fischer and Special Master Richard D. Egan, Esq.

Eric G. Soller, Esq.
Alan G. Towner, Esq.
Douglas M. Hall, Esq.
For the Plaintiff

Thomas G. Pasternak, Esq.
Randal Alexander, Esq.
For the Defendant

Richard Coldren, Esq.
In-House Counsel for the Plaintiff

Tom O'Dell
Corporate Representative for Defendant

Hearing begun 11/18/14 at 10:00 AM
Hearing concluded 11/18/14 at 1:15 PM

Hearing adjourned to N/A
Stenographer J. Kienzle
Clerk: A. Owczarczak

The Court convened a Claim Construction Hearing in the above-captioned matter, with the Special Master presiding, and counsel representing both parties in attendance. The parties presented their positions on the remaining claim terms at issue. Both parties provided courtesy copies of their slide decks for the Claim Construction Hearing to the Court and the Special Master.

The parties reached agreement as to claim terms "noise" and "combining." The parties agreed that "noise" should be construed to mean "any unwanted signal including but not limited to background and scatter." They further agreed that "combining" should be construed with its plain and ordinary meaning with the caveat that it is not limited to "obscures the individual characteristics" of the combined entities and that it is further not limited to "uniting into a single number."

The parties presented arguments largely paralleling their briefing regarding the "field site," "laboratory site," "data train," and "combined data train" terms. In addition, the Special Master inquired into the parties' understanding of the preamble term "testing inspection techniques." Although the parties indicated that they had reached agreement as to that term, it was unclear the

extent to which they agreed. During a break in the proceedings, the Special Master ordered the parties to confer regarding same. They reported that they, in fact, did not agree as to whether the preamble should be limiting, but they did agree that if it was limiting, it should be construed consistent with its plain and ordinary meaning. As the limiting nature of the preamble was not fully briefed, the Court ordered supplemental briefing regarding same, with Defendant's response to Plaintiff's opening argument due November 24, 2014 and Plaintiff's reply to same due December 4, 2014. An appropriate order follows.

Due to the supplemental briefing, the Special Master's anticipated timeline, and the upcoming holiday schedule, counsel for both parties requested and the Court agreed to allow an enlargement of the deadline to file objections to the Special Master's Report and Recommendation to January 16, 2015. An appropriate order follows.

Both parties requested preparation of the transcript. The Court ordered preparation of same, with the costs to be split equally between the parties.