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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Lemelson Medical, Education & Research  
Foundation, Limited Partnership,  
Plaintiff

vs.

Intel Corporation,  
Defendant.

No. CIV 98-1413 PHX (HRH)

Lemelson Medical, Education & Research  
Foundation, Limited Partnership,  
Plaintiff

vs.

Acer Incorporated, et al.,  
Defendants.

[Consolidated with  
No. CIV 99-0377 PHX (HRH)]

**REPORT RE FURTHER  
PROCEEDINGS ON  
MACHINE VISION CLAIMS**

Following the determination that the claims of its machine vision patents are unenforceable in the action *Symbol Technologies, Inc. v. Lemelson Medical, Education & Research Foundation, Limited Partnership*, United States Court of Appeals for the

1 Federal Circuit, No. 04-1451, Lemelson Medical, Education & Research Foundation,  
2 Limited Partnership, Plaintiff herein, will not seek further review of said decision.  
3

4 Therefore, Lemelson hereby advises the Court that it will not seek relief in this  
5 consolidated action based on the following patents: United States Patents Nos.  
6 4,338,626, 4,511,918, 4,969,038, 4,979,029, 4,984,073, 5,023,714, 5,067,012,  
7 4,338,626, 4,511,918, 4,969,038, 4,979,029, 4,984,073, 5,023,714, 5,067,012,  
8 5,119,190, 5,119,205, 5,128,753, 5,144,421, 5,249,045, 5,283,641, and 5,351,078.  
9

10 (This is the portion of this action that has been stayed.) Lemelson will file a motion to  
11 dismiss its claims based on the machine vision patents, and to dismiss out completely  
12 those defendants as to whom only the machine vision patents have been asserted.  
13  
14

15 With respect to the related actions currently pending before this Court containing  
16 claims based on the same patents, Lemelson will seek to dismiss those cases that assert  
17 infringement only of the machine vision patents: *Lemelson Medical, Education &*  
18 *Research Foundation, Limited Partnership v. Alcon Laboratories, Inc., et al.*, CIV 00-  
19 0661 (HRH); *Lemelson Medical, Education & Research Foundation, Limited*  
20 *Partnership v. Butler Manufacturing Co., et al.*, CIV 00-0662 (HRH); *Lemelson*  
21 *Medical, Education & Research Foundation, Limited Partnership v. CompUSA, Inc.,*  
22 *et al.*, CIV 00-0663 (HRH); *Lemelson Medical, Education & Research Foundation,*  
23 *Limited Partnership v. R.R. Donnelly & Sons Co., et al.*, CIV 00-0664 (HRH);  
24 *Lemelson Medical, Education & Research Foundation, Limited Partnership v. Federal*  
25 *Express Corp., et al.*, No. CIV-01-2287 (HRH); and *Lemelson Medical, Education &*  
26 *Research Foundation, Limited Partnership v. Nexfor, Inc., et al.*, No. CIV 01-2288  
27 (HRH). In two other related cases, Lemelson has asserted infringement of the patents  
28 that remain at issue herein (United States Patents Nos. 4,390,586, 5,039,836,  
5,170,032 and 5,231,259) against certain defendants; Lemelson will therefore move to  
dismiss its claims based on the machine vision patents, and completely dismiss those  
defendants as to whom only the machine vision patents have been asserted. The  
remaining claims should remain stayed pending the outcome in this action. Those two  
cases are: *Lemelson Medical, Education & Research Foundation, Limited Partnership*  
*v. Broadcom Corp., et al.*, No. CIV 01-1440 (HRH); and *Lemelson Medical,*

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*Education & Research Foundation, Limited Partnership v. Esco Electronics Corp., et al.*, CIV 00-0660 (HRH).

Lemelson notes that some defendants in each of the cases have pled counterclaims regarding the machine vision patents. Lemelson does not believe that any of these counterclaims will or should remain viable; if any defendants believe that their counterclaims are not subject to dismissal, they will no doubt voice their objections pursuant to Rule 41(a)(2).

Respectfully submitted this 22nd day of December, 2005.

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1  
2 **CERTIFICATE OF SERVICE**

3 Pursuant to Fed.R.Civ.P.5(b), I certify that on the 22nd day of December, 2005,  
4 I personally caused to be served, electronically, a true and correct copy of  
5 "REPORT RE FURTHERPROCEEDINGS ON MACHINE VISION CLAIMS "

6 to:

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*A complete, duplicate copy of this document*

has been forwarded directly to Judge Holland via  
priority mail this 22nd day of December, 2005.

*/s/ Laura Keller*

Laura Keller