

United States District Court,
W.D. Pennsylvania.

CNX GAS CORPORATION, and CNX Gas Company LLC,
Plaintiffs.

v.

CDX GAS, LLC,
Defendant.

v.

Consol Energy Inc,
Counter-Defendant.

Oct. 13, 2006.

Charles H. Dougherty, Jr., Frederick H. Colen, Jeffrey J. Bresch, Joshua S. Bish, Thomas L. Allen, Reed Smith, Pittsburgh, PA, for Plaintiffs.

Carl E. Bruce, Decker A. Cammack, Neil J. McNabney, Thomas B. Walsh, IV, Fish & Richardson, Dallas, TX, Henry M. Sneath, Stephen S. Photopoulos, Picadio, Sneath, Miller & Norton, Pittsburgh, PA, Richard C. Weinblatt, William J. Marsden, Jr., Fish & Richardson, PC, Wilmington, DE, for Defendants.

ORDER OF COURT

ARTHUR J. SCHWAB, District Judge.

The following motions and objections are pending before the Court relating to the Report and Recommendation of the Special Master Donald E. Ziegler (doc. no. 105), as corrected by Order of Special Master (doc. no. 106): CDX Gas, LLC's Motion to Adopt the Special Master's Report and Recommendation on Claim Construction (doc. no. 107); Plaintiffs' and Counter-Defendant's Motion to Adopt, After Clarification, the Special Master's Report and Recommendation as to the Claim Term "Coupled" (doc. no. 108); and Plaintiffs' and Counter-Defendant's Objections to the Special Master's Report and Recommendation on Claim Construction (especially as to the terms "junction" and "drainage pattern") (doc. no. 109). Responses have been filed thereto. See doc. nos. 113, 114, 115, and 118.

After several detailed reviews of the Report and Recommendation (as modified) (doc. nos. 105 and 106), and the above pleadings, the Court DENIES Plaintiffs' and Counter-Defendant's objections thereto, as well as Plaintiffs' and Counter-Defendant's Motion to Adopt, after Clarification (doc no. 108), and GRANTS defendant's Motion to Adopt the Special Master's Report and Recommendation on Claim Construction (doc. no. 107).

Further, it is hereby ORDERED that the August 30, 2006 Report and Recommendation of Special Master Ziegler (doc. no. 105), as corrected by the September 16, 2006 Order of Special Master (doc no. 106), is hereby ADOPTED, without revision or modification, by the Court as the claim constructions that will

govern this case.

The Court schedules a status conference in the above case, to discuss scheduling matters and alternative dispute resolution options, for October 24, 2006 at 10:30 am. Counsel is directed to meet and confer on a future scheduling order on or before October 20, 2006, and submit a joint or separate proposed scheduling order(s) on or before noon on October 23, 2006.

SO ORDERED.

W.D.Pa., 2006.

CNX Gas Corp. v. CDX Gas, LLC

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