

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

**CANDELA CORPORATION and the General Hospital Corporation d/b/a Massachusetts General Hospital,**  
Plaintiffs.

v.

**PALOMAR MEDICAL TECHNOLOGIES, INC,**  
Defendant.

Civil Action No. 9:06-CV-277

**Aug. 6, 2008.**

Samuel Franklin Baxter, McKool Smith, Marshall, TX, Ada Elene Brown, Alfredo Leopoldo Silva, Gary Scott Kitchen, Mara Jill Bindler, Rosemary Tyson Snider, Scott Robert Jacobs, McKool Smith, Dallas, TX, Craig N. Tolliver, Gretchen Kristen Harting, John Shumaker, Laura A. Handley, Pierre Jean Hubert Steven John Pollinger, Travis Gordon White, McKool Smith, Austin, TX, Julie S. Turner, Law Office of Julie Turner, Palo Alto, CA, for Plaintiffs.

David J. Beck, Michael E. Richardson, Beck, Redden & Secrest, L.L.P., Houston, TX, Alexandra C. Fennell, John T. Gutkoski, Foley & Lardner, LLP, Boston, MA, for Defendant.

### ***ORDER ON AGREED TERMS***

**KEITH F. GIBLIN, United States Magistrate Judge.**

Plaintiff Candela Corporation filed suit against Defendant Palomar Medical Technologies, Inc. claiming infringement of United States Patent Nos. 5,810,801 ("the '801 patent"); 6,120,497 ("the '497 patent"); and 6,659,999 ("the '999 patent"). The court conducted a *Markman* hearing to assist the court in interpreting the meaning of the claim terms of the patents-in-suit.

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:

1. **"Tissue absorption coefficient" means "Absorption coefficient (a) is the reciprocal of the average distance that a photon travels in tissue before being absorbed (also called absorption mean free path):  $(\tau)(\phi)a = 1/1a$ ."**
2. **"Wavelength"** has its plain meaning.
3. **"Fluence"** has its plain meaning.

**"Power density"** has its plain meaning.

The jury shall be instructed in accordance with the court's interpretation of the disputed claim terms in the '801, '497, and '999 patents.

E.D.Tex.,2008.

Candela Corp. v. Palomar Medical Technologies, Inc.

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