

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

PETER A. HOCHSTEIN, et al.,

Plaintiff,

Case Number: 04-73071

v.

JUDGE PAUL D. BORMAN  
UNITED STATES DISTRICT COURT

MICROSOFT CORPORATION,

Defendant.

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**ORDER**

**(1) GRANTING MICROSOFT'S MOTION FOR CONSTRUCTION OF CLAIM 39; AND  
(2) ADOPTING IN ENTIRETY THE SPECIAL MASTER'S MAY 16, 2009 REPORT  
AND RECOMMENDATION**

Before the Court are: 1) Microsoft's Motion for Construction of Claim 39 (Doc. No.342); 2) Microsoft's Motion Objecting to the Special Master's Report and Recommendation (Doc. No. 414); and 3) Plaintiffs' Motion to Adopt the Special Master's Report and Recommendation (Doc. No. 416).

The parties having consented to the appointment of a Special Master, on April 16, 2009 the Court appointed Richard Grauer to serve as Special Master, and referred Microsoft's Motion for Construction of Claim 39 to Special Master Grauer. (Doc. No. 349). Special Master Grauer issued his Report and Recommendation on May 16, 2009. Thereafter, the parties filed their respective motions pertaining to the Special Master's R&R.

Having reviewed the record, the Court:

1) **GRANTS** Microsoft's Motion for Construction of Claim 39 (Doc. No. 342);

2) **DENIES** Microsoft's Motion Objecting to the Special Master's Report and Recommendation (Doc. No. 414); and

3) **GRANTS** Plaintiffs' Motion to Adopt the Special Master's Report and Recommendation (Doc. No. 416).

SO ORDERED.



PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: 6-22-09  
Detroit, Michigan