

Clarice Thompson

From: Charles Iseman
Sent: Wednesday, March 24, 2004 11:52 AM
To: Clarice Thompson
Subject: FW: MDS America (WC2XPU) and Northpoint Application for Review

Clarice, please scan this e-mail into the ELS for Station WC2XPU, File Nos. 0005-EX-ML-2002 and 0063-EX-RR-2002. Thanks, Charles

-----Original Message-----

From: Charles Iseman
Sent: Friday, March 19, 2004 4:03 PM
To: jrozendaal@khhte.com; JWStockman@SWIDLAW.com; HEDisenhaus@SWIDLAW.com
Cc: James Burtle; doug.young@fcc.gov; Ira Keltz
Subject: MDS America (WC2XPU) and Northpoint Application for Review

Counsel:

Based on the ex parte letter submitted in ET Docket No. 98-206 on Nov. 7, 2003 by counsel for MDS America, it appears that on Nov. 5, 2003 a jury verdict was rendered in favor of MDS America and adverse to the patent claims of Northpoint in *Northpoint Technology, Ltd. v. MDS America, Inc.*, Case No. 01-14207-CIV-COHN (So. D. Fla., W. Palm Beach Div., filed Jul. 18, 2001). Counsel is hereby requested to supplement the record by documenting the court's verdict (such as may be obtained through the PACER system), submitting a copy of all relevant subsequent rulings of the court, and by setting forth the status of the litigation (e.g., finally adjudged, appeal pending, etc.). All such supplementation should be submitted by c.o.b. Friday, March 26, 2004.

Charles J. Iseman
Deputy Chief
Electromagnetic Compatibility Division
Office of Engineering and Technology
Federal Communications Commission