

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

HYPERPHRASE TECHNOLOGIES,  
LLC and HYPERPHRASE INC.,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

---

ORDER

02-C-647-C

A hearing on defendant Microsoft's motion to compel was held by telephone in this case on August 13, 2003, before United States District Judge Barbara B. Crabb. Robert Greenspoon participated on behalf of plaintiffs. Jennifer Bush and Kurt Glitzenstein participated on behalf of defendant.

After hearing argument, I denied defendant's motion insofar as it related to correspondence and other communications, including draft claim charts, generated by Mr. de la Huerga when interviewing lawyers who might represent him in plaintiffs' suit against defendant. As to the matters that plaintiffs contend are privileged by the attorney client relationship, plaintiffs will have to disclose any such communications that Mr. de la Huerga

considered in forming any of the opinions on which he will testify at trial.

Entered this 14th day of August, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge