

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

FEIT ELECTRIC CO., INC.,

Plaintiff,

v.

ELONG INTERNATIONAL USA, INC.,  
XIAMEN LONGSTAR LIGHTING CO.,  
LTD.,

Defendants.

Civil Action No. 3:24-cv-01089

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Plaintiff Feit Electric Co., Inc. (“Plaintiff” or “Feit Electric”) and Defendants Elong International USA, Inc. and Xiamen Longstar Lighting Co., Ltd. (collectively “Defendants” and together with Plaintiff, the “Parties”) submit this Joint Claim Construction and Prehearing Statement pursuant to Paragraph 4-3 of Miscellaneous Order No. 62. The Parties previously exchanged their respective preliminary claim constructions with identification of extrinsic evidence on January 3, 2025.

**I. AGREED CONSTRUCTIONS**

The Parties do not agree on any constructions for the claim terms presented for construction regarding the patent-in-suit, U.S. Patent No. 8,604,678 (the “678 Patent”).

**II. DISPUTED CLAIM TERMS**

Exhibit A, attached hereto, includes a list of disputed claim terms, proposed constructions, and identification of intrinsic and extrinsic evidence.

### **III. ANTICIPATED LENGTH OF CLAIM CONSTRUCTION HEARING**

The Parties anticipate that the length of time necessary for the claim construction hearing is three hours.

### **IV. PROPOSED WITNESSES AT CLAIM CONSTRUCTION HEARING**

Plaintiff proposes to call E. Fred Schubert, Ph.D. to testify at the claim construction hearing.

Defendants do not think that presenting live expert testimony at the claim construction hearing is necessary. However, if Feit Electric is allowed to present live expert testimony, then Defendants request the same opportunity.

### **V. PROPOSED ORDER OF PRESENTATION AT CLAIM CONSTRUCTION HEARING**

The Parties propose the following order of presentation at the claim construction hearing:

- Defendants present their technology tutorial (if any) and positions on the term “improves an off-state white appearance of the wavelength conversion component” / “improves an OFF state white appearance of the wavelength conversion component”
- Plaintiff presents its technology tutorial (if any) and positions on the term “improves an off-state white appearance of the wavelength conversion component” / “improves an OFF state white appearance of the wavelength conversion component”
- Defendants present their positions on the term “corresponds to an average particle size that improves the OFF state white appearance of the wavelength conversion component”

- Plaintiff presents its position on the term “corresponds to an average particle size that improves the OFF state white appearance of the wavelength conversion component”
- Defendants present their positions on the term “light mixing chamber”
- Plaintiff presents its position on the term “light mixing chamber”
- Defendants present their positions on the term “planar shapes”
- Plaintiff presents its position on the term “planar shapes”

The Parties agree that each Party shall be limited to a maximum of one and a half hours of time total to present its technology tutorial and claim terms.

**VI. OTHER ISSUES FOR PRESENTATION AT CLAIM CONSTRUCTION PREHEARING CONFERENCE**

At this time, the Parties do not anticipate the need to discuss any other issues at a prehearing conference.

Date: January 10, 2025

Respectfully submitted,

/s/ Timothy Wang

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**CERTIFICATE OF SERVICE**

This is to certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 10th day of January, 2025.

*/s/ Michael S. Weinstein*

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Michael S. Weinstein

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**EXHIBIT A  
DISPUTED TERMS AND SUPPORTING EVIDENCE**

Term	'678 Patent Claim(s)	Defendants' Construction and Support	Plaintiff's Construction and Support
<p>“improves an off-state white appearance of the wavelength conversion component” /                      “improves an OFF state white appearance of the wavelength conversion component”</p>	<p>1, 19, 29</p>	<p>Indefinite</p> <p><u>Intrinsic Evidence</u>                      '678 Patent, 1:64-65, 2:6-14, 3:15-19, 3:65-66, 6:39-41, 11:4-10, 11:19-27, 11:33-36, 18:57-60, 20:3-7, 21:56-61, 22:45-48, 23:8-11, 24:2-5, 24:35-39, 25:61-67, Figures 2, 3, 17-21</p> <p><u>Extrinsic Evidence</u>                      Testimony of William A. Doolittle</p>	<p>Plain and ordinary meaning</p> <p><u>Intrinsic Evidence</u>                      '678 Patent at 1:64-2:16; 3:15-18; 3:65-67; 4:5-8; 4:21-26; 6:39-41; 6:58-61; 8:9-55; 9:47-55; 10:59-12:12; 15:58-16:4; 16:56-17:2; 17:43-60; 18:57-60; 22:34-48; 25:52-67; FIGs 1-3, 9, 10, 16-24; Cls. 1, 19, 29; December 23, 2012 Response to Office Action</p> <p><u>Extrinsic Evidence</u>                      Declaration, deposition, and/or live witness testimony and opinions of Professor E. Fred Schubert; E. Fred Schubert, <i>Light-Emitting Diodes</i> (Cambridge University Press, 2nd ed. 2006)</p>

Term	'678 Patent Claim(s)	Defendants' Construction and Support	Plaintiff's Construction and Support
<p>“corresponds to an average particle size that improves the OFF state white appearance of the wavelength conversion component”</p>	<p>21</p>	<p>Indefinite</p> <p><u>Intrinsic Evidence</u> '678 Patent, 3:15-35, 3:65-4:26, 8:5-55, 11:37-12:12, 17:43-60, Figure 10</p> <p><u>Extrinsic Evidence</u> Rawles, <i>Basic Principles of Particle Size Analysis</i>, Malvern Instruments Limited; Testimony of William A. Doolittle</p>	<p>Plain and ordinary meaning</p> <p><u>Intrinsic Evidence</u> '678 Patent at 1:64-2:16; 3:15-35; 3:65-4:26; 6:39-41; 6:58-61; 8:9-55; 9:47-55; 10:59-12:12; 15:58-16:4; 16:56-17:2; 17:43-60; 18:57-60; 22:34-48; 25:52-67; FIGs 1-3, 9, 10, 16-24; Cl. 21; December 23, 2012 Response to Office Action</p> <p><u>Extrinsic Evidence</u> Declaration, deposition, and/or live witness testimony and opinions of Professor E. Fred Schubert; E. Fred Schubert, <i>Light-Emitting Diodes</i> (Cambridge University Press, 2nd ed. 2006)</p>
<p>“light mixing chamber”</p>	<p>29</p>	<p>an interior volume separate from the wavelength conversion component</p> <p><u>Intrinsic Evidence</u> '678 Patent, 19:46-48, 19:62-64, 24:49-25:43; Figures 16, 18, 19, 20A-C, 21A-C, 23B.</p> <p><u>Extrinsic Evidence</u> 2004 Wiley Elec. &amp; Elec. Engineering Dictionary, definition of “chamber”; 2007 Collins Dictionary of Science and Technology, definition of “chamber”; Testimony of William A. Doolittle, including the November 6 and 20, 2024 declarations</p>	<p>Plain and ordinary meaning</p> <p><u>Intrinsic Evidence</u> '678 Patent at 24:49-25:43; FIGs. 15, 16, 20A, 20B, 20C, 21A, 21B, 21C, 23A, 23B; Cl. 29</p> <p><u>Extrinsic Evidence</u> Declaration, deposition, and/or live witness testimony and opinions of Professor E. Fred Schubert; E. Fred Schubert, <i>Light-Emitting Diodes</i> (Cambridge University Press, 2nd ed. 2006)</p>

Term	'678 Patent Claim(s)	Defendants' Construction and Support	Plaintiff's Construction and Support
"planar shapes"	25	<p>a shape that is substantially two-dimensional (<i>i.e.</i>, flat)</p> <p><u>Intrinsic Evidence</u> '678 Patent, 22:22-26, 25:20-29; Figures 20A-C, 21A-C; Claims 25, 26.</p> <p><u>Extrinsic Evidence</u> 2003 Meriam Webster Collegiate Dictionary, definition of "planar"; 2006 American Heritage Dictionary of the English Language, definition of "planar"; Testimony of William A. Doolittle</p>	<p>Plain and ordinary meaning</p> <p><u>Intrinsic Evidence</u> '678 Patent at 8:9-18; 22:22-26; 24:6-12; 25:20-34; FIGs. 1, 20A, 20B, 20C, 23A, 23B; Cls. 16, 25; <i>see also</i> FIGs. 21A, 21B, 21C</p> <p><u>Extrinsic Evidence</u> Declaration, deposition, and/or live witness testimony and opinions of Professor E. Fred Schubert; E. Fred Schubert, <i>Light-Emitting Diodes</i> (Cambridge University Press, 2nd ed. 2006)</p>