

Terms	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Why Resolution Makes a Difference
<p>Plaintiff's Proposed Term: "a fiber optic adapter spaced inwardly from the sidewalls the fiber optic adapter including a first connector port for receiving the fiber optic connector ... wherein the fiber optic connector rotates in concert with the spool as the second fiber optic cable is paid out from the spool"</p> <p>Defendants' Proposed Term: "a fiber optic adapter spaced inwardly from the sidewalls ... for receiving the fiber optic connector ... wherein the fiber optic connector rotates in concert with the spool as the second fiber optic cable is paid out from the spool"</p> <p>'417 Patent – Claim 1</p>	<p>Plain and ordinary meaning, which does <u>not</u> require:</p> <ul style="list-style-type: none"> <li>- the adapter be "mounted to the spool"</li> <li>- the connector be "plugged into the adapter when the spool rotates"</li> </ul> <p>If further construction is necessary, the plain and ordinary meaning is:</p> <ul style="list-style-type: none"> <li>- The fiber optic adapter is spaced inwardly from the sidewalls.</li> <li>- The fiber optic adapter includes a first connector port for receiving the fiber optic connector.</li> <li>- The connector rotates when the spool rotates as the second fiber optic cable is paid out from the spool.</li> </ul> <p><u>Intrinsic evidence</u></p> <ul style="list-style-type: none"> <li>-Surrounding claim language</li> <li>-Dependent claims (e.g., claims 3, 4, 5, 13, 35)</li> <li>-3:39-4:10, 7:33-37</li> <li>-1:54-2:12, 1:38-50</li> <li>-5:7-13, 5:49-6:8, 8:8-14</li> <li>-Figs. 6-7, 4-5, 13-14, 15-16</li> </ul>	<p>A fiber optic adapter is mounted to the spool and the fiber optic connector is plugged into the adapter when the spool rotates to enable the connector to rotate in concert with the spool.</p> <p><u>Intrinsic evidence</u></p> <p>'417 patent (Jt. Ex. B) including (without limitation) for example:</p> <ul style="list-style-type: none"> <li>• Abstract</li> <li>• 1:54-2:4</li> <li>• 3:39-4:16</li> <li>• 4:35-5:06</li> <li>• 5:45-64</li> <li>• 5:65-7:03</li> <li>• 7:33-60</li> <li>• Claim 1</li> <li>• Claim 4</li> <li>• Claim 5</li> <li>• Claim 8</li> <li>• Claim 13</li> <li>• Claim 17-19</li> <li>• Claim 22</li> <li>• Claim 24</li> <li>• Claim 26</li> <li>• Claim 33-35</li> <li>• Claim 38</li> <li>• FIGS. 1-7</li> </ul>	<p><b>Plaintiff's Position:</b></p> <p>Resolution will impact whether the claim includes additional language in Defendants' proposed construction (e.g., "mounted to the spool" and the "connector is plugged into the adapter").</p> <p><b>Defendants' Position:</b></p> <p>Resolution may impact non-infringement of the asserted claims against Defendants, and also their invalidity, including under Section 112. For example, and without limitation, resolution would clarify that the fiber optic adapter is required to be mounted to the spool, and the fiber optic connector be plugged into the adapter, for the connector to rotate "in concert with the spool." Without such clarification the Asserted Claims lack written description support, and with such clarifications the Accused Products do not infringe.</p>

		<p>U.S. Provisional Application No. 60/954,214, (Jt. Ex. C) including (without limitation) for example:</p> <ul style="list-style-type: none"><li>• Abstract</li><li>• Specification pg. 1, lines 17-28</li><li>• Specification pg. 4, line 1 – pg. 5, line 2</li><li>• Specification pg. 5, lines 9-27</li><li>• Specification pg. 6, line 1 – pg. 7, line 3</li><li>• Specification pg. 7, lines 10-17</li><li>• Claim 1</li><li>• Claims 3-4</li><li>• Claim 8</li><li>• Claims 10-13</li><li>• FIGS. 1-7</li></ul> <p>U.S Provisional Application No. 61/029,248, (Jt. Ex. D) including (without limitation) for example:</p> <ul style="list-style-type: none"><li>• Abstract</li><li>• Specification pg. 1, lines 17-28</li><li>• Specification pg. 4, lines 17-30</li><li>• Specification pg. 5, lines 1-17</li><li>• Specification pg. 5, lines 24-30</li><li>• Specification pg. 6, lines 1-25</li><li>• Specification pg. 7, lines 5-18</li><li>• Specification pg. 7, lines 25-30</li><li>• Specification pg. 8, lines 3-22</li><li>• Claim 1</li><li>• Claims 3-4</li><li>• Claim 8</li></ul>	
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<p>Plaintiff’s Proposed Term: “a fiber optic connector... rotating in unison with the cable spool when the cable spool rotates about the rotation axis; and a fiber optic adapter mounted to the enclosure arrangement the fiber optic adapter including a first connector port for receiving the fiber optic connector ...”</p> <p>Defendants’ Proposed Term: “a fiber optic connector ... rotating in unison with the cable spool when the cable spool rotates about the rotation axis; and a fiber optic adapter mounted to the enclosure arrangement ... for receiving the fiber optic connector ...”</p> <p>’417 Patent – Claim 22</p>	<p>Plain and ordinary meaning, which does <u>not</u> require:</p> <ul style="list-style-type: none"> <li>- the adapter be “mounted to the spool”</li> <li>- the connector be “plugged into the adapter when the spool rotates”</li> </ul> <p>If further construction is necessary, the plain and ordinary meaning is:</p> <ul style="list-style-type: none"> <li>- There is a fiber optic connector that rotates in unison with the spool when the spool rotates about the rotation axis.</li> <li>- There is a fiber optic adapter mounted to the enclosure arrangement.</li> <li>-The fiber optic adapter includes a first connector port for receiving the fiber optic connector.</li> </ul> <p><u>Intrinsic evidence</u></p> <ul style="list-style-type: none"> <li>-Surrounding claim language</li> <li>-Dependent claims (e.g., claims 3, 4, 5, 13, 35)</li> <li>-3:39-4:10, 7:33-37</li> <li>-1:54-2:12, 1:38-50</li> <li>-5:7-13, 5:49-6:8, 8:8-14</li> <li>-Figs. 6-7, 4-5, 13-14, 15-16</li> </ul>	<p>A fiber optic adapter is mounted to the spool and a fiber optic connector is plugged into the adapter when the spool rotates to enable the connector to rotate in unison with the spool.</p> <p><u>Intrinsic evidence:</u></p> <p>’417 patent (Jt. Ex. B) including (without limitation) for example:</p> <ul style="list-style-type: none"> <li>• Abstract</li> <li>• 1:54-2:4</li> <li>• 3:39-4:16</li> <li>• 4:35-5:06</li> <li>• 5:45-64</li> <li>• 5:65-7:03</li> <li>• 7:33-60</li> <li>• Claim 1</li> <li>• Claim 4</li> <li>• Claim 5</li> <li>• Claim 8</li> <li>• Claim 13</li> <li>• Claim 17-19</li> <li>• Claim 22</li> <li>• Claim 24</li> <li>• Claim 26</li> <li>• Claim 33-35</li> <li>• Claim 38</li> <li>• FIGS. 1-7</li> </ul> <p>U.S. Provisional Application No. 60/954,214, (Jt. Ex. C) including (without limitation) for example:</p>	<p><b>Plaintiff’s Position:</b></p> <p>Resolution will impact whether the claim includes additional language in Defendants’ proposed construction (e.g., “mounted to the spool” and the “connector is plugged into the adapter”).</p> <p><b>Defendants’ Position:</b></p> <p>Resolution may impact non-infringement of the asserted claims against Defendants, and also their invalidity, including under Section 112. For example, and without limitation, resolution would clarify that the fiber optic adapter is required to be mounted to the spool, and the fiber optic connector be plugged into the adapter, for the connector to rotate “in unison with the spool.” Without such clarification the Asserted Claims lack written description support, and with such clarifications the Accused Products do not infringe.</p>
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