

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

_____)	
INTERNATIONAL DEVELOPMENT LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 09-2495 (GEB)
)	
SIMON NICHOLAS RICHMOND and)	
ADVENTIVE IDEAS, LLC,)	MARKMAN ORDER
)	
Defendants.)	
_____)	

BROWN, Chief Judge

This matter having come before the Court upon requests by Plaintiff International Development LLC and Defendants Simon Nicholas Richmond and Adventive Ideas, LLC for a claim construction hearing, and said hearing having taken place on November 4, 2010; and for the reasons set forth on the record on that date or in the opinion accompanying this order

IT IS THIS 12th day of November, 2010; hereby

ORDERED that in United States Patent Number 7,196,477, the terms shall be construed as follows:

- i) “at least two lamps of different colors” does not require construction except that the term “lamp” is construed to mean “an electrical device, the primary purpose of which is to create light of a single color, and which is physically connected to a source of electricity”;
- ii) “to produce a desired color” is construed to mean “to produce a color that is desired by the user or intended by the designer”;

- iii) “including a varying color” is construed to mean “the colors produced include a color that changes over time by varying the intensity of one or more of the lamps with time” pursuant to a stipulation by the parties;
- iv) “so as to be exposed to light” means “so as to be exposed to sunlight”; the rest of the term does not require construction;
- v) “the switch being exposed to provide access thereto” means “the switch is immediately accessible to the user without the need to disassemble any component of the lighting device”;
- vi) “a solar panel mounted on a surface of an assembly” is construed to mean “a collection of parts having a surface that is exposed to light, including being exposed through a transparent or translucent cover, and a solar cell being mounted on said surface” without prejudice to Plaintiff’s ability to challenge this term as indefinite at summary judgment;
- vii) “operatively associated” does not require construction pursuant to a stipulation of the parties; and it is further

ORDERED that in United States Patent Number 7,429,827, the terms shall be construed as follows:

- i) “at least two lamps of different colors” does not require construction except that the term “lamp” is construed to mean “an electrical device, the primary purpose of which is to create light of a single color, and which is physically connected to a source of electricity”;
- ii) “to produce a varying color” is construed to mean “the colors produced include a color that changes over time by varying the intensity of one or more of the lamps with time”;
- iii) “a plurality of lamps of different colors” does not require construction except that the term “lamp” is construed to mean “an electrical device, the primary purpose of which is to create light of a single color, and which is physically connected to a source of electricity”;
- iv) “to produce a varying color” is construed to mean “the colors produced include a color that changes over time by varying the intensity of one or more of the lamps with time” pursuant to a stipulation by the parties;
- v) “exposed to light” is construed to mean “exposed to sunlight”; the rest of the term does not require construction;
- vi) “operatively associated” does not require construction at this time;

- vii) “activation sub-circuit” does not require construction pursuant to a stipulation by the parties;
- viii) “switch being accessible by a user” is construed to mean “the switch is accessible to the user without substantial effort, tools, or destruction”;
- ix) “independently control delivery of power to each of said lamps so as to vary intensity of light emitted over time to produce a continuous color changing cycle” is construed to mean “the light sub-circuit delivers power to one or more of the lamps so that one or more of the lamps illuminate at varying intensities over time, resulting in a monochrome or the mixing of the different colors such that they produce a continuous color changing cycle”; and
- x) “diode” does not require construction and is given its ordinary meaning.

/s/ Garrett E. Brown, Jr.
GARRETT E. BROWN, JR., U.S.D.J