

1 Adam Garson (Bar No. 240440)
adam.garson@gazpat.com
2 Frederic G. Ludwig, III (Bar No. 205332)
eric.ludwig@gazpat.com
3 **GAZDZIŃSKI & ASSOCIATES, PC**
750 B Street, Suite 1600
4 San Diego, CA 92101
Telephone: (858) 675-1670
5 Facsimile: (858) 675-1674

6 Attorneys for Plaintiff
PULSE ELECTRONICS, INC.
7
8
9

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 PULSE ELECTRONICS, INC., a
13 Delaware corporation.

14 Plaintiff,

15 v.

16 U.D. Electronic Corp., a Taiwan
corporation,

17 Defendant.
18
19
20
21
22
23
24
25
26
27
28

CASE NO. 3:18-CV-00373-BEN-MSB

**PLAINTIFF PULSE ELECTRONICS,
INC.'S PRELIMINARY PROPOSED
CLAIM CONSTRUCTIONS**

Judge: Hon. Judge Benitez

CASE NO. 3:18-cv-00373-BEN-MSB

PULSE'S PRELIMINARY CLAIM CONSTRUCTIONS

Pulse Electronics Inc. Ex. 2005

1 Pursuant to the Case Management Order (Dkt. No. 22) and Patent Local
2 Rules 4.1(a) and (b), and based on the information reasonably available, Plaintiff
3 Pulse Electronics, Inc. (“Pulse”) hereby serves its Preliminary Proposed Claim
4 Constructions and Identification of Extrinsic Evidence.

5 **GENERAL STATEMENT**

6 This Preliminary Proposed Claim Constructions and Identification of
7 Extrinsic Evidence is limited to the information available to Pulse at the present
8 time. Discovery between the parties is not complete. Pulse reserves the right to
9 supplement, amend, and/or modify the preliminary proposed constructions and
10 evidence in support thereof as further information becomes available, including, but
11 not limited to Defendant’s Preliminary Proposed Claim Construction and
12 Identification of Extrinsic Evidence.

13 Pulse’s proposed constructions are limited to the claims currently asserted
14 against Defendant, and Pulse reserves its right to propose constructions for any
15 terms in other claims that it later asserts against Defendants. This Preliminary
16 Proposed Claim Constructions and Identification of Extrinsic Evidence should not
17 be interpreted to concede, by omission or otherwise, any claim construction
18 position advanced by Defendant now or in the future. All citations to intrinsic
19 evidence and/or structure (in the case of elements governed by 35 U.S.C. § 112(6))
20 in the chart below is made without limitation or prejudice.

21 **PRELIMINARY PROPOSED CONSTRUCTIONS**

CLAIM TERM	PROPOSED CONSTRUCTION
U.S. Patent No. 6,593,840	
“side wall” Claims 1, 7, 10-12, 16	Any wall that has a plurality of channels formed therein Intrinsic Evidence: 6:38-52, FIGS. 10a, 10b

CLAIM TERM	PROPOSED CONSTRUCTION
<p>1 “retention element”</p> <p>2</p> <p>3 Claims 1, 7, 10-12</p> <p>4</p>	<p>A feature that forms part of a lead channel that helps retain the insertable lead terminals</p> <p>Intrinsic Evidence: 5:30-42; FIG. 8</p>
<p>5 “means for communicating”</p> <p>6 Claim 16</p>	<p>This element is governed by 35 U.S.C. § 112(6).</p> <p>Structure: 5:19-28; 5:44-59</p>
<p>7 “means for securing”</p> <p>8 Claim 16</p>	<p>This element is governed by 35 U.S.C. § 112(6).</p> <p>Structure: 5:44-59</p>
U.S. Patent No. 6,773,302	
<p>10 “effectively curved portion”</p> <p>11 Claims 1, 3-5, 7, 9, 13-16</p> <p>12</p>	<p>Producing the desired effect of being curved</p> <p>Intrinsic Evidence: 17:6-8; FIGS. 1c, 1d, 2c, 2e, 2f, 3c and 5a</p>
<p>13 “an angular relationship”</p> <p>14 Claims 11-12</p>	<p>Formed at an angle other than parallel (zero angle)</p> <p>Intrinsic Evidence: 6:17-28; FIG. 1d</p>
<p>15 “connector housing means”</p> <p>16 Claim 15</p>	<p>This element is governed by 35 U.S.C. § 112(6).</p> <p>Structure: 5:11-14; 5:28-37; 6:47-56; and 10:13-26</p>
<p>17 “means for supporting components”</p> <p>18 Claim 15</p>	<p>This element is governed by 35 U.S.C. § 112(6).</p> <p>Structure: 5:64-6:16; 7:17-24; and 17:19-18:6.</p>
<p>20 “a plurality of first conductor means”</p> <p>21 Claim 15</p>	<p>This element is governed by 35 U.S.C. § 112(6).</p> <p>Structure: 5:21-6:28; 7:8-36; 7:46-8:30; and 16:66-17:11</p>
<p>22 “a plurality of second conductor means”</p> <p>23 Claim 15</p>	<p>This element is governed by 35 U.S.C. § 112(6).</p> <p>Structure: 5:63-64; and 16:66-17:11.</p>
<p>24 “means for holding said first conductors”</p> <p>25 Claim 16</p>	<p>This element is governed by 35 U.S.C. § 112(6).</p> <p>Structure: 9:31-10:12.</p>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CLAIM TERM	PROPOSED CONSTRUCTION
“a plurality of restraining means” Claim 16	This element is governed by 35 U.S.C. § 112(6). Structure: 9:31-10:12.
U.S. Patent No. 7,959,473	
“outer periphery” Claims 1, 37, 39, 41	The external-most perimeter of a surface of the mated pairs of insert body elements Intrinsic Evidence: FIGS. 1f, 1h and 1i
“optical isolation element” Claims 18, 33	Apparatus that blocks a portion of the light emanating from a source from an undesired area Intrinsic Evidence: 17:30-36 (IBR ¹ of U.S. Patent No. 6,962,511); and U.S. Patent No. 6,962,511 (16:48-67).
“means for receiving a modular plug” Claims 37, 39, 41	This element is governed by 35 U.S.C. § 112(6). Structure: 10:10-39; and 15:37-45
“means for receiving a plurality of insert assemblies” Claims 37, 39, 41	This element is governed by 35 U.S.C. § 112(6). Structure: 11:22-44; and 20:61-64
“means for interfacing with a modular plug” Claims 37, 39, 41	This element is governed by 35 U.S.C. § 112(6). Structure: 10:60-11:13; 14:12-24; and 19:16-31
“means for interfacing with a plurality of terminals” Claims 37, 39, 41	This element is governed by 35 U.S.C. § 112(6). Structure: 11:52-65
“means for routing wire” Claims 37, 39, 41	This element is governed by 35 U.S.C. § 112(6). Structure: 13:41-61

¹ IBR: Incorporation by Reference

CLAIM TERM	PROPOSED CONSTRUCTION
<p>1 “means for providing one or 2 more indications” 3 4 Claims 39, 41</p>	<p>This element is governed by 35 U.S.C. § 112(6). Structure: 16:32-17:16; 17:30-36 (IBR of U.S. Patent No. 6,962,511); and U.S. Patent No. 6,962,511 (16:48-67).</p>
<p>5 “optical isolation means” 6 7 Claim 41</p>	<p>This element is governed by 35 U.S.C. § 112(6). Structure: 17:30-36 (IBR of U.S. Patent No. 6,962,511); and U.S. Patent No. 6,962,511 (16:48- 67).</p>
U.S. Patent No. 9,178,318	
<p>9 “body shield” 10 11 Claims 14, 17</p>	<p>One or more shields that are disposed on one or more outer surfaces or boundaries of the connector housing Intrinsic Evidence: 4:21-25; 5:23-27; and 5:30-32</p>
<p>13 “interfaces” 14 15 Claims 14, 17</p>	<p>Forms a direct or indirect electrical connection Intrinsic Evidence: 4:33-35; 8:40-43</p>
<p>16 “shielding tab” 17 18 Claims 14, 17</p>	<p>Element that provides direct or indirect electrical connectivity between the internal PCB and the body shield Intrinsic Evidence: 4:35-38</p>

EXTRINSIC EVIDENCE

Pulse may rely on expert testimony as to how one skilled in the art would understand the claim terms above, the art to which the patents in suit relate, background on the technology at issue, the level of understanding of a person of ordinary skill in the art at the relevant time, and/or all topics on which Defendant’s expert testifies/opines. Pulse may also rely on extrinsic evidence defining or describing the terms above. By identifying extrinsic evidence, Pulse does not concede that extrinsic evidence is necessary to construe the claim terms at issue.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.