

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**IN RE PAPST LICENSING GMBH & CO.**

**KG PATENT LITIGATION**

**The Document Relates To:**

**FIRST WAVE CASES:** Nos. 07-CV-1118,  
07-CV-1222, 07-CV-2086, 07-CV-2087,  
07-CV-2088, 08-CV-985

**Misc. Action No. 07-493 (RMC)**

**MDL No. 1880**

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Pursuant to the Court's Tenth Practice and Procedure Order (D.I. 628, ¶ 5), and Patent L.R. 4-3, Papst Licensing GmbH & Co. KG ("Papst") and the First Wave Camera Manufacturers ("CMs") submit the following Joint Claim Construction Statement concerning U.S. Patent Nos. 6,470,399, 6,895,449, 8,504,746, and 8,966,144 (collectively, the "Patents-in-Suit").

**Agreed-Upon Constructions**

Pursuant to Patent Local Rule 4-3(a), the chart attached as Exhibit A to this statement sets forth the parties' agreement as to the proper construction for certain claim terms from the Patents-in-Suit, and terms previously identified in D.I. 625 for which the parties have agreed no construction is necessary.

**Disputed Constructions**

Pursuant to Patent Local Rule 4-3(b), the chart attached as Exhibit A also contains the parties' proposed constructions for those terms that are in dispute. In addition, the charts attached as Exhibits B and C to this statement contain, respectively, Papst's and the CMs'

proposed constructions for the disputed terms, together with their identification of references from the specification or prosecution history that support their respective constructions, and an identification of extrinsic evidence upon which each party intends to rely to support its claim construction positions.

### **Most Significant Terms**

The parties have narrowed the claim construction dispute to eleven (11) terms from the Old Patents and six (6) terms from the New Patents. Pursuant to the Court's Ninth Practice and Procedure Order (D.I. 608 at 6), the parties previously identified the ten terms from the New Patents most significant to resolution of the case. (D.I. 625.)

### **Length of the Claim Construction Hearing**

The Court has scheduled two days for the Claim Construction Hearing. (D.I. 628 at 4.)

### **Witnesses**

The parties each intend to call one witness at the Claim Construction Hearing. Papst intends to call its expert Mr. Robert Zeidman. The CMs intend to call their expert Dr. John Levy. Pursuant to the Tenth Practice and Procedure Order (D.I. 628 at 3-4), the parties will disclose the witnesses' opinions and substance of their testimony with their respective claim construction briefs.

Date: May 13, 2016

Respectfully submitted,

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