

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before the Honorable Cameron R. Elliot
Administrative Law Judge**

In the Matter of

**CERTAIN WEARABLE ELECTRONIC
DEVICES WITH EGG
FUNCTIONALITY AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1266

JOINT DISCLOSURE OF PROPOSED CLAIM CONSTRUCTIONS

Pursuant to Ground Rule 7.1 and the Procedural Schedule (Order No. 6), Complainant and Respondent (“the Parties”) identify the following proposed claim constructions for terms and phrases of the asserted claims of United States Patent Nos. 9,572,499 (“the ’499 patent”), 10,595,731 (“the ’731 patent”), and 10,638,941 (“the ’941 patent”):

Term Relevance	Term	Proposed Constructions of Complainant	Proposed Constructions of Staff	Proposed Constructions of
Top 10	Preambles ('499 Patent claims 1 and 11)	Preambles are not limiting.	The preambles of the asserted claims are limiting.	The preambles of the asserted claims 11 are limiting.
Top 10	“alerting said first user to sense an electrocardiogram” ('499 Patent claim 1) / “alert” ('499 Patent claim 11)	No construction required. Alternatively: “notifying said first user to sense an electrocardiogram” (claim 11) / “notify” (claim 11)	No construction necessary. However, if construed: “informing the first user to take an electrocardiogram” (claim 1) / “inform” (claim 11)	“informing said first user to take an electrocardiogram” (claim 1) / “inform” (claim 11)
Top 10	“heart rate sensor” ('499 Patent claims 1 & 11)	No construction necessary. Alternatively: “a sensor for measuring heart rate”	No construction necessary. However, if construed: “a sensor for measuring heart rate”	“A sensor for measuring heart rate”
Top 10	Order of steps ('499 Patent claim 1)	While some ordering is dictated by logic, the limitations of the claim may be performed in different order than recited.	While some ordering is dictated by logic, the limitations of the claim may be performed in different order than recited.	Should be in the order listed

Term Relevance	Term	Proposed Constructions of Complainant	Proposed Constructions of Staff	Proposed Constructions of
Top 10	<p>“confirm the presence of the arrhythmia based on the ECG data” (’731 Patent claim 1 & 15)</p> <p>“confirming the presence of the arrhythmia based on the ECG data” (’731 Patent claim 17)</p>	<p>No construction required.</p> <p>Alternatively: “identify[ing] the occurrence of the arrhythmia based on the ECG data.”</p>	<p>No construction necessary. These claims do not require verifying an arrhythmia by comparing ECG sensor data to PPG sensor data.</p> <p>If, however, these claims are construed, they mean:</p> <p>“verify the presence of the arrhythmia based on the ECG data” (claims 1 & 15)</p> <p>“verifying the presence of the arrhythmia based on the ECG data” (claim 17)</p>	<p>“verify the presence of the arrhythmia based on the ECG data” (Claims 1 & 15)</p> <p>“verifying the presence of the arrhythmia based on the ECG data” (Claim 17)</p>
Top 10	Order of steps (’731 Patent claim 17)	While some ordering is dictated by logic, the limitations of the claim may be performed in different order than recited.	While some ordering is dictated by logic, the limitations of the claim may be performed in different order than recited.	Should be in the order listed

Term Relevance	Term	Proposed Constructions of Complainant	Proposed Constructions of Staff	Proposed Constructions of
Top 10	“to confirm a presence of the arrhythmia” (’941 Patent claim 1) / “to confirm the presence of the arrhythmia” (’941 Patent claim 12)	No construction required. Alternatively, “to identify an occurrence of an arrhythmia.”	No construction necessary. These claims do not require verifying an arrhythmia by comparing ECG sensor data to PPG sensor data. If, however, these claims are construed, they mean: “to verify a presence of the arrhythmia” (claims 1) / “to verify the presence of the arrhythmia” (claim 12)	“to verify the presence of the arrhythmia by comparing ECG sensor data to PPG sensor data.” (Claim 12)
Top 10	“when the activity level is resting” (’941 Patent claim 1) / “when the activity level value is resting” (’941 Patent claim 12)	Not indefinite.	Not indefinite.	Indefinite.
Top 10	“discordance” (’941 Patent claims 1 & 12)	No construction required.	“inconsistency”	“inconsistent”
Top 10	Order of steps (’941 Patent claim 1)	While some ordering is dictated by logic, the limitations of the claim may be performed in different order than recited.	While some ordering is dictated by logic, the limitations of the claim may be performed in different order than recited.	Should be in the order listed

Agreed Constructions

Further, the following claim constructions for terms and phrases of the asserted claims of the asserted patents are agreed amongst the Parties:

Term	Agreed Construction
“arrhythmia” (’499 patent, claim 7-9, 17-19; ’731 patent, claim 1-7, 12-13, 17-23, 25-26; ’941 patent, claim 1-4, 6, 12-15, and 17)	“a cardiac condition in which the electrical activity of the heart is irregular or is faster or slower than normal.”

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Respectfully submitted,

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