

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TMT SYSTEMS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 6:20-cv-00973-ADA
)	
MEDTRONIC, INC. and)	
MEDTRONIC USA, INC.)	
)	
Defendants.)	

JOINT CLAIM CONSTRUCTION STATEMENT

In accordance with the Proposed Order Governing Proceedings (ECF Nos. 25-1 and 25-2) submitted by the parties and the joint notice to the Court sent on June 15, 2021, Plaintiff TMT Systems, Inc. (“TMT”) and Defendants Medtronic, Inc. and Medtronic USA, Inc. (“Defendants”) submit this Joint Claim Construction Statement. The patent involved in this case is U.S. Patent No. 7,101,393 (the “’393 patent”), attached as Exhibit A. The ’393 patent claims that are asserted in the above-referenced case are claims 1, 2, 4, 10, 11, and 26.

I. LIST OF DISPUTED TERMS FOR CONSTRUCTION

The parties provide the following list of disputed terms for construction:

Claim Term (Claim No.)	TMT’s Proposed Construction	Defendants’ Proposed Construction
whether the preamble is limiting (claims 1, 26) Proposed by TMT.	the preamble is limiting in its entirety	preamble is not limiting
“endovascular apparatus” (claims 1, 26) Proposed by TMT.	“endovascular graft for the treatment of aneurysms or arterial blockages”	preamble is not limiting
“telescoping arms” (claims 1, 26) Proposed by TMT.	“arms that telescope in the manner of a presentation pointer and/or an accordion”	“plain and ordinary meaning, which is more than one telescoping arm”
“telescoping arm” (claim 26) Proposed by Defendants.	“plain and ordinary meaning, which is one of the telescoping arms”	“plain and ordinary meaning, which is an arm that telescopes, such as in the manner of a presentation pointer or an accordion”
“perimeter of variable length” (claim 1) Proposed by Defendants.	no construction required; plain and ordinary meaning	“boundary that has a varying length as each arm telescopes”

Claim Term (Claim No.)	TMT's Proposed Construction	Defendants' Proposed Construction
	<p>at an angle so that multiple telescoping arms form the shape of a M capable of exerting enough radial force when expanded to fix into the aorta and thereby reduce blood leaks around the endovascular graft"</p> <p><u>"coupled"</u>: no construction required; plain and ordinary meaning</p>	
<p>"shape of a M" / "shape of multiple Ms" / "M configuration"¹</p> <p>(claims 1, 2, 26)</p> <p>Proposed by Defendants.</p>	<p>no construction required; plain and ordinary meaning</p>	<p>plain and ordinary meaning</p>

¹ TMT contends that the plain and ordinary meaning requires the shape of an M to consist of four arms where the pair of inner arms and the pair of outer arms differ in length. TMT believes the parties simply have a factual dispute over infringement or invalidity, not claim construction. Defendants contend that the plain and ordinary meaning of the "M" shape terms is not limited to any specific configuration. Defendants request that the Court construe these terms because the parties disagree on the terms' plain meaning.

Dated: June 28, 2021

Respectfully submitted,

/s/ Elizabeth L. DeRieux

Elizabeth L. DeRieux (Texas Bar No. 05770585)

ederieux@capshawlaw.com

S. Calvin Capshaw (Texas Bar No. 03783900)

CAPSHAW DERIEUX, LLP

114 East Commerce Avenue

Gladewater, Texas 75647

(903) 845-5770

David I. Gindler (admitted *pro hac vice*)

Lauren Drake (admitted *pro hac vice*)

Jasper L. Tran (admitted *pro hac vice*)

Christopher D. Lynch (admitted *pro hac vice*)

MILBANK LLP

2029 Century Park East, 33rd Floor

Los Angeles, CA 90067-3019

(424) 386-4000

Javier Ramos (admitted *pro hac vice*)

MILBANK LLP

1850 K Street, NW

Washington, DC 20006

(202) 835-7500

Benjamin Reed (admitted *pro hac vice*)

Mollie Galchus (admitted *pro hac vice*)

MILBANK LLP

55 Hudson Yards

New York, NY 10001-2163

(212) 530-5000

Attorneys for Plaintiff

TMT Systems, Inc.



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