

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Molo Design, Ltd.

Case No. 21-CV-1578 (VEC)

Plaintiff,

-v-

Chanel, Inc.

Defendant.

DEFENDANT CHANEL, INC.'S CLAIM CONSTRUCTION BRIEF

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Pursuant to Local Patent Rule 12(b) and the Court’s Scheduling Order, Defendant Chanel, Inc. (“Chanel”) hereby submits its claim construction brief regarding the asserted claims of the patents-in-suit.¹ For the reasons explained below, Chanel respectfully requests that the Court adopt Chanel’s constructions for disputed terms, plus the parties’ agreed constructions.

I. LEGAL PRINCIPLES

A patent’s claims define the patentee’s rights. *Teva Pharm. USA, Inc. v. Sandoz, Inc.*, 574 U.S. 318, 321 (2015). “When the parties present a fundamental dispute regarding the scope of a claim term, it is the court’s duty to resolve it.” *O2 Micro Int’l Ltd. v. Beyond Innovation Tech. Co.*, 521 F.3d 1351, 1362 (Fed. Cir. 2008); *see also AFG Indus., Inc. v. Cardinal IG Co.*, 239 F.3d 1239, 1247 (Fed. Cir. 2001) (“It is critical for trial courts to set forth an express construction of the material claim terms in dispute, in part because the claim construction becomes the basis of the jury instructions, should the case go to trial.”).

The key principles that courts apply to determine the meaning of disputed claim terms are explained at length in *Phillips v. AWH Corp.*, 415 F.3d 1303, 1311–19 (Fed. Cir. 2005) (en banc). These principles are discussed in context throughout the remainder of Chanel’s brief.

II. DISPUTED CLAIM CONSTRUCTIONS

A. “supports”

| Claim Term/Phrase | Chanel’s Construction | Molo’s Construction |
|-------------------------|---|---------------------------|
| “supports” ² | “supporting panels that are different from the laminar panels that form the core” | No construction necessary |

¹ The asserted claims are: claims 1, 2, 5–7, 13, and 20–23 of U.S. Patent No. 7,866,366 (“’366 patent”) (Dkt. 1–1); claims 21–23 of U.S. Patent No. 8,561,666 (“’666 patent”) (Dkt. 1–2); claims 1, 5, and 6 of U.S. Patent No. 9,797,134 (“’134 patent”) (Dkt. 1–4); and claims 2, 14, 18, 19, 20, and 22 of U.S. Patent No. 9,689,161 (“’161 patent”) (Dkt. 1–3).

² This term is recited in the following asserted claims: ’366 claims 1, 2, and 13.

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