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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RAVIN CROSSBOWS, LLC,

Plaintiff,

v.

HUNTER'S MANUFACTURING
COMPANY, INC. d/b/a TENPOINT
CROSSBOW TECHNOLOGIES,

Defendant.

Case No. 2:21-cv-02213-GMN-EJY

**LPR 1-15 JOINT CLAIM CONSTRUCTION
AND PREHEARING STATEMENT**

Hunter's Manufacturing Company, Inc.
Ex. 1003

Pursuant to LPR 1-15, Plaintiff Ravin Crossbows, LLC (“Ravin”) and Defendant Hunter’s Manufacturing Company, Inc. d/b/a TenPoint Crossbow Technologies (“TenPoint”) hereby submit their Joint Claim Construction and Prehearing Statement.¹

I. CLAIM CONSTRUCTION SCHEDULE

The Court entered the following claim construction schedule in its Order (ECF No. 36):

Event	Deadline
Ravin’s Opening Claim Construction Brief	September 27, 2022
TenPoint’s Responsive Claim Construction Brief	October 18, 2022
Ravin’s Reply Claim Construction Brief	October 25, 2022

TenPoint disputes proceeding under the current claim construction schedule set out in the Order.

TenPoint’s Position:

TenPoint submits this Joint Statement while noting that it has a fully briefed motion to transfer under 28 U.S.C. § 1404(a) pending. *See* ECF No. 17. Case law is clear that disposing of a motion to transfer should take top priority and must occur before addressing any substantive portions of the case, including claim construction. *See In re Apple Inc.*, 979 F.3d 1332, 1337-38 (Fed. Cir. 2020). TenPoint does not waive its right to have the transfer motion decided before proceeding with claim construction. After discussing the issue with Ravin during the meet-and-confer required by LPR 1-14(b), TenPoint intends to file a motion to stay the case pending a decision on the transfer motion. Ravin has indicated that it will oppose a stay.

Ravin’s Position:

The Plan and Order entered by the Court on May 26, 2022, ECF No. 36, which includes claim construction briefing deadlines and the timing for a Claim Construction Hearing, governs.

¹ Ravin’s asserted patents are: U.S. Patent Nos. 9,354,015 (“the ’015 Patent”), 9,494,379 (“the ’379 Patent”), 9,879,936 (“the ’936 Patent”), 10,254,073 (“the ’073 Patent”), and 10,712,118 (“the ’118 Patent”).

Ravin will oppose any stay of the case pending the decision on TenPoint's Motion to Transfer Venue as the facts and relevant legal authorities mandate proceeding with the litigation.

When the Court entered the May 26, 2022 Order, the Court "recognize[d] that a fully briefed motion to transfer venue [was] pending before the Court," and ordered the parties to proceed with the case anyways, including with claim construction: "Nevertheless, and until that motion [to transfer] is decided, the Court enters the following Plan and Order." *Id.*

TenPoint's contemplated motion to stay is merely a motion for reconsideration of the May 26, 2022 Order, which rejected TenPoint's protracted case deadlines that ran afoul of the Local Patent Rules. Here again, under a different heading, TenPoint seeks to unfairly postpone the resolution of Ravin's patent infringement claims against TenPoint by delaying claim construction – efforts that should be rejected. This is particularly true in view of TenPoint's gamesmanship. TenPoint has not identified whether it intends to file petitions for *inter partes* review with the United States Patent Trial and Appeal Board, in violation of LPR 1-8(g). TenPoint is likely attempting to postpone claim construction proceedings in this case in an effort to better position itself for any Patent Office challenge of Ravin's asserted patents

II. AGREED UPON TERMS

The parties agree to constructions of three terms:

Patent: Claims	Claim Term	Agreed Construction
'379 Patent: 7 '936 Patent: 7	"upper and lower surfaces"	"top and bottom surfaces"
'379 Patent: 15 '936 Patent: 15	"extending in a direction perpendicular to the respective planes of rotation"	"extends perpendicularly with respect to a plane of rotation"
'015 Patent: 1, 11 '379 Patent: 1, 11, 19 '936 Patent: 1, 11, 19 '073 Patent: 1, 11, 15, '118 Patent: 1, 11, 19 '728 Patent: 10	"power cable take-up journal" / "power cable journal(s)"	"a structure that accepts a least one power cable"

1 **III. DISPUTED TERMS**

2 The parties' 43 disputed terms/phrases along with their proposed constructions and
3 supporting evidence are provided in Exhibit A, attached hereto.

4 Ravin's Position:

5 In Ravin's view there are 8 disputed terms/phrases that require construction, which are
6 identified as Term Nos. 1-8 in Exhibit A. As Ravin stated in its LPR 1-14 disclosure, no other
7 terms or phrases other than the ones provided in its LPR 1-13 disclosure require construction.

8 Ravin opposes TenPoint's constructions for the 193 terms/phrases listed in its LPR 1-13
9 disclosure, which TenPoint has now consolidated into 35 terms/phrases, identified as Term Nos.
10 9-43 in Exhibit A. These 35 terms/phrases are not "agreed-upon" terms as TenPoint suggests, but
11 rather terms/phrases that need not be construed.

12 In Ravin's view, the 24-page limit on opening and responsive briefs is sufficient for claim
13 construction briefing. To the extent TenPoint moves for additional pages, Ravin will oppose in
14 due course. Further, Ravin reserves the right to likewise move for an increase in pages for its Reply
15 Claim Construction Brief should any TenPoint motion for extra pages be granted.

16 TenPoint's Position:

17 TenPoint notes that the number of disputed terms is due to Ravin's assertion of a large number of
18 claims from six patents in its LPR 1-6 Contentions, as well as Ravin's failure to admit that the
19 prior art asserted by TenPoint met many of these claim terms, which indicates that the parties must
20 ascribe different meaning or scope to those claim terms. TenPoint further notes that Ravin
21 intentionally chose not to provide proposed constructions of any terms TenPoint identified in its
22 LPR 1-13 List of Proposed Claim Terms for Construction. Thus TenPoint's position is that its
23 proposed constructions for those terms are unopposed and can be summarily adopted similar to
24 the agreed-upon terms in the preceding section. Should TenPoint need to brief those terms,
25 TenPoint believes that such a brief will need to be larger than 24 pages set by LR 7-3(b) to
26 adequately address those terms.

1 **IV. SIGNIFICANT DISPUTED TERMS/PHRASES**

2 The parties identify the following term to be most significant to the resolution of the case:

- 3 1. “first ends”

4 Ravin identifies two additional terms to be most significant to the resolution of the case:

- 5 2. “mounted to”; and

- 6 3. “pass under.”

7 TenPoint identifies two additional terms to be most significant to the resolution of the case:

- 8 4. “about” when referring to inches or degrees; and

- 9 5. “wherein the [first and second / upper and lower] power cable [take-up] journals
10 comprise a width at least twice a width of the [first and second pairs of / upper and
11 lower] power cables.”

12 **V. ANTICIPATED LENGTH FOR CLAIM CONSTRUCTION HEARING**

13 Ravin’s Position:

14 Ravin anticipates the length of the Claim Construction Hearing addressing all 43 terms in
15 dispute, including the parties’ tutorials, will be one (1) day.

16 TenPoint’s Position:

17 Should TenPoint need to address all the disputed terms, it anticipates the length of the
18 Claim Construction Hearing will be three (3)days.

19 **VI. TUTORIAL AND ANTICIPATED LENGTH OF TIME FOR SUCH TUTORIAL**

20 The parties request permission to provide a tutorial during the Claim Construction Hearing.
21 Ravin anticipates its tutorial will be no more than one (1) hour long and may possibly include
22 testimony from Doug Guthrie, Vice President – Product Development at Ravin. TenPoint
23 anticipates its tutorial will be no more than one (1) hour long.

1 **VII. THREE POTENTIAL DATES ON WHICH A CLAIM CONSTRUCTION**
2 **HEARING COULD BE HELD**

3 The parties propose the following dates for the Claim Construction Hearing, which are
4 within 60 days of completion of the parties' claim construction briefing, which concludes on
5 October 25, 2022.

- 6 1. November 30, 2022; or
- 7 2. December 1, 2022; or
- 8 3. December 2, 2022.

9 TenPoint provides these dates subject to the above note regarding the alleged impropriety
10 of proceeding to claim construction with a transfer motion pending.

11 **VIII. WITNESSES**

12 Neither of the parties intend to call any witnesses at the Claim Construction Hearing.
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DATED this 6th day of September, 2022

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PROOF OF SERVICE

I hereby certify that on the 6th day of September, 2022, a true and correct copy of the foregoing **LPR 1-15 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT** was electronically filed with the Clerk of the Court by using the CM/ECF service which will provide copies to all counsel of record registered to receive CM/ECF notifications in this case.

/s/ Michelle A. Moran
Michelle A. Moran