

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SPECTRAL INSTRUMENTS IMAGING, LLC,	§ § § §	
Plaintiff,	§	Civil Action No. 4:22-cv-00043
vs.	§	JURY TRIAL DEMANDED
SCINTICA, INC.	§ § §	
Defendant.	§	

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

As directed by the June 25, 2022 Docket Control Order (Dkt. No. 22), Plaintiff Spectral Instruments Imaging, LLC (“Plaintiff”) and Defendant Scintica, Inc. (“Defendant”) (collectively, the “Parties”), file this joint claim construction and prehearing statement (“Joint Statement”). The claim construction hearing, which is currently scheduled for January 17, 2023, is set to address the disputed terms of asserted U.S. Patent No. 8,901,516 (“the ’516 Patent”).

I. AGREED TERMS FOR CONSTRUCTION (P.R. 4-3(a)(1))

A. Preamble: “an excitation light source assembly”

Independent Claim	Agreed Construction
1, 25	The preamble is non-limiting and requires no construction.

B. Preamble: “an assembly”

Independent Claim	Agreed Construction
14	The preamble is non-limiting and requires no construction.

II. DISPUTED TERMS FOR CONSTRUCTION (P.R. 4-3(a)(2))

Pursuant to P.R. 4-1 and 4-2, the Parties have exchanged disclosures regarding the claims and claim terms at issue in this matter. Plaintiff does not believe that any claim terms at issue require construction. On the other hand, Defendant has proposed various phrases that it believes must be given a construction in this matter. To date, Defendant has served several iterations of those phrases and proposed constructions.

Pursuant to P.R. 4-3(a)(2), the Parties provide their proposed positions and constructions of each disputed claim term or phrase. Exhibit 1 identifies all references from the intrinsic record and extrinsic support on which each party intends to rely to support its proposed constructions or to oppose the other party's proposed constructions.

Plaintiff's Statement: This Joint Statement and Exhibit 1 contain the claim terms and phrases proposed for construction by Defendant, as formulated by Defendant. During the parties' meet and confer, Plaintiff proposed simplifying the claim terms for presentation to the Court, but Defendant did not agree. Plaintiff does not agree that Defendant's proposed claim terms or phrases are proper or appropriate for the Court to construe, given the inconsistencies presented (*see, e.g.*, Claim Terms 1 and 2) or the duplication of terms (*see, e.g.*, Claim Terms 3 and 4). In light of Defendant's position, any construction of the claim phrases proposed by Defendant should only apply to claims where that exact claim phrase appears. For that reason, Plaintiff added claim 9 to the list of claims where Claim Term 3 ("a light source positioned within each of the plurality of lamp receptacles") appears, which Defendant had omitted from the list of claims.

Defendant's Statement: Defendant does not agree with Plaintiff's account of the history, characterizations of the meet and confer, or the substantive arguments asserted by Plaintiff in the preceding paragraph.

1. "a housing defining a central opening therein and a plurality of lamp receptacles surrounding the central opening"

Claim(s)	Plaintiff's Construction	Defendant's Construction
1, 14	No construction necessary; plain and ordinary meaning.	"a main body member having an opening through its center, the member having a plurality of holes in the member that encircle the opening"

2. "a housing defining a central opening therein and a plurality of lamp receptacles therein surrounding the central opening"

Claim(s)	Plaintiff's Construction	Defendant's Construction
25	No construction necessary; plain and ordinary meaning.	"a main body member having an opening through its center, the member having a plurality of holes in the member that encircle the opening"

3. "a light source positioned within each of the plurality of lamp receptacles"

Claim(s)	Plaintiff's Construction	Defendant's Construction
1, 9, 25	No construction necessary; plain and ordinary meaning.	"a non-surface-mounted light source in each of the plurality of holes in the member"

4. "a narrow-band light source positioned within at least one of the plurality of lamp receptacles"

Claim(s)	Plaintiff's Construction	Defendant's Construction
14	No construction necessary; plain and ordinary meaning.	"a non-surface-mounted narrow-band light source in at least one of the plurality of holes of the member"

5. “diffuser”

Claim(s)	Plaintiff’s Construction	Defendant’s Construction
1, 4, 14, 15	No construction necessary; plain and ordinary meaning.	“an optical component that spreads and randomizes rays of light passing through it to provide more even illumination than would be without the optical component”

6. “a diffuser positioned within at least some of the plurality of lamp receptacles”

Claim(s)	Plaintiff’s Construction	Defendant’s Construction
1, 14	No construction necessary; plain and ordinary meaning.	“a diffuser positioned within at least some of the holes of the member that contain narrow-band light sources”

III. ANTICIPATED LENGTH OF CLAIM CONSTRUCTION HEARING (P.R. 4-3(a)(3))

The Parties anticipate that the claim construction hearing will take approximately 3 hours, with the time split equally between Plaintiff and Defendant.

IV. ANTICIPATED WITNESSES AT THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(a)(4))

Plaintiff does not anticipate the presentation of live witness testimony at the claim construction hearing. However, Plaintiff reserves the right to present witness testimony in rebuttal to any witness testimony presented by Defendant, including expert witness testimony as necessary and appropriate.

Defendant does not anticipate the presentation of live witness testimony at the claim construction hearing. However, Defendant reserves the right to present witness testimony in rebuttal to any witness testimony presented by Plaintiff.

V. OTHER ISSUES (P.R. 4-3(a)(5))

The Parties do not presently believe that there are any issues that need to be taken up at a prehearing conference prior to the claim construction hearing.

VI. EXPERT DISCLOSURES (P.R. 4-3(b))

Pursuant to P.R. 4-3(b), Defendant has served concurrently herewith the expert disclosure and report required by Fed. R. Civ. P. 26(a)(2).

Dated: October 17, 2022

Respectfully submitted,

By: /s/ Dawn M. Jenkins

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2022, a true and correct copy of the foregoing was filed via the Court's CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all counsel of record.

/s/Dawn M. Jenkins
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