

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PERCEPT TECHNOLOGIES INC.,

Plaintiff,

v.

MAGIC LEAP, INC.,

Defendant.

C.A. No. 22-25-RGA

CLAIM CONSTRUCTION ORDER

The Court construes the terms, as used in the asserted claims of U.S. Patent Nos.

8,696,113 (the “’113 Patent”) and 9,010,929 (the “’929 Patent”), as follows:

Claim Term:	Construction:
wherein the circuitry provides any of a cell phone, media focals, and an MP3 player (’929 Patent: claim 7)	wherein the circuitry within the frame member provides any of a cell phone, for the use of the eyewear for its intended purpose and the enhancement of that use by using imaging techniques to improve the vision of the user, and an MP3 player
operating system (’113 Patent: claims 1, 12)	No construction is necessary
optical/perceptual parameter based (’113 Patent: claims 1, 12)	optical parameter and perceptual parameter based
the eye sensor activating the circuitry responsive to eye motion of a user (’929 Patent: claims 7, 10)	Plain and ordinary meaning
dynamic eye tracking mechanism (’113 Patent: claims 1, 12)	mechanism for dynamically tracking the characteristics of the eye, including, for example, ciliary, pupil, corneal, retina, lens, iris, or eye lid measurements, blinks, squints, gaze direction, or eye movement
a lens (’929 Patent: claims 7, 10; ’113 Patent:	Plain and ordinary meaning

claims 1, 12)	
cell phone (’929 Patent: claim 7)	Plain and ordinary meaning
MP3 player (’929 Patent: claim 7)	Plain and ordinary meaning

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SO ORDERED this 9th day of March, 2023.

/s/ Richard G. Andrews
United States District Judge