

Pursuant to L.R. 805.1.b. and the Court’s Scheduling and Discovery Order (ECF 24), Plaintiffs G.W. Aru, LLC (“GWA”) and Cochise Technology, LLC (“Cochise”) (collectively, “Plaintiffs”) hereby serve their Proposed Claim Construction Statement.

Plaintiffs’ positions set forth herein are based upon presently known and available information. Plaintiffs may modify their positions herein based on further consideration and/or later obtained information, including, but not limited to, evidence and positions advanced by Defendant W. R. Grace & Co.-Conn. (“Defendant”).

I. L.R. 805.1.b.i.: Identification of any special or uncommon meanings of words or phrases in the claim

Pursuant to L.R. 804.1.a.i., Plaintiffs have identified the following claims of U.S. Patent No. 11,224,864 (“the ’864 Patent”) that Plaintiffs contend are directly infringed by Defendant under 35 U.S.C. § 271(a): claims 1, 3, 6, 12, and 15 (“Asserted Claims”). In accordance with L.R. 805.1.b.i., below is a table setting forth the meanings of words or phrases in the Asserted Claims.

Claim	Claim Term	Proposed Construction
1	CO to CO ₂ combustion promoter	“Composition that promotes combustion of carbon monoxide to carbon dioxide”
1	microsphere sized	“Less than 1 mm across the largest dimension”
1	porous	“Material with pores”
1	silica	“Silicon dioxide”
1	alumina	“Aluminum oxide”
1	Group VIII noble metal	“A noble metal of Group VIII of the periodic table, including platinum, palladium, iridium, ruthenium and/or rhodium”
1	eggshell	“The particle has an outer region with a relatively higher concentration of the one or more Group VIII noble metals than a center region of the particle.”

Claim	Claim Term	Proposed Construction
1	concentration	“Mass per mass”
1	outer region	“A portion of a particle including the outer surface of the particle and extending toward the interior of the particle”
1	centre	“A portion of a particle interior to the outer region”
6	average (D50) size	“Average diameter of the particles in a combustion promoter”
6	laser diffraction	“A technique for measuring particle size and particle size distribution by determining the intensity of scattered light when a laser beam is passed through a particle sample”

II. L.R. 805.1.b.ii-iii: All references from the specification that support, describe, or explain each element of the claim; all material in the prosecution history that describes or explains each element of the claim

Pursuant to L.R. 805.1.b.ii-iii, the table below identifies references from the specification that support, describe, or explain each element of the Asserted Claims and material in the prosecution history that describes or explains each element of the Asserted Claims.

Claim elements	References from the specification that support, describe, or explain each element of the Asserted Claims	Material in the prosecution history that describes or explains each element of the Asserted Claims
1.A CO to CO ₂ combustion promoter comprising microsphere sized porous particles,	1:20-23; 1:53-58; 2:25-39	
each microsphere sized porous particle having a diameter of less than 1 mm, and	2:39-41	Response filed July 7, 2021, pages 6, 8, and Exhibit 1; Declaration of Dr. Herring submitted July 7, 2021, page 2; Final Office Action mailed August 13, 2021, page 3

Claim elements	References from the specification that support, describe, or explain each element of the Asserted Claims	Material in the prosecution history that describes or explains each element of the Asserted Claims
independently comprising: silica, alumina, or mixtures thereof; and	4:32-5:6	
one or more Group VIII noble metals distributed in the particle as an eggshell such that a higher concentration of the one or more Group VIII noble metals is present in the outer region of the microsphere sized porous particle as compared to the concentration of the one or more Group VIII noble metals in the centre of the microsphere sized porous particle.	1:62-67; 2:26-50; 3:43-44, 4:25-31; 5:7-8; 5:19-24; 5:30-45; 11:20-27; 15:27-30	Notice of Allowance mailed November 17, 2021; Reasons for Allowance; Examiner Interview Summary Record mailed November 17, 2021; Final Office Action mailed August 13, 2021, page 2; Response filed July 7, 2021, page 8, Exhibits 3-5; Declaration of Dr. Herring submitted July 7, 2021, page 2
3.The combustion promoter according to claim 1, comprising a plurality of microsphere sized porous particles comprising alumina.	2:26; 4:39-47; 4:57-5:6; 11:35-40; 12:16-19; 12:58-61	
6.The combustion promoter according to claim 1, wherein the microsphere sized porous particles collectively have an average (D50) size of between 60 and 90 microns as measured by laser diffraction.	4:21-24; 4:64-5:4	
12.The combustion promoter according to claim 1, wherein the one or more Group VIII noble metals comprises one or more of platinum, palladium, iridium, ruthenium, and rhodium.	5:7-8	

Claim elements	References from the specification that support, describe, or explain each element of the Asserted Claims	Material in the prosecution history that describes or explains each element of the Asserted Claims
15. The combustion promoter according to claim 12, wherein the one or more Group VIII noble metals comprises palladium.	5:7-8; 5:9-11; 11:38-41; 12:66-13:3	

III. L.R. 805.1.b.iv.: Any extrinsic evidence that supports the proposed construction of the claim, including, but not limited to, expert testimony, inventor testimony, dictionary definitions, and citations to learned treatises, as permitted by law

Pursuant to L.R. 805.1.b.iv., the table below identifies extrinsic evidence that supports Plaintiffs' proposed constructions set forth above.

Claim Term	Extrinsic Evidence Supporting Proposed Construction
silica	<i>Silica, Oxford Dictionary of Science. (7th Edition, 2017)</i>
alumina	<i>Alumina, Oxford Dictionary of Science. (7th Edition, 2017)</i>
Group VIII noble metal	Fluck et al. New Notations in the Periodic Table. <i>Pure & Appl Chem.</i> 1988 60(3):431-6.
laser diffraction	Malvern Mastersizer Brochure

Date: June 13, 2023

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on June 13, 2023, on all counsel of record via electronic mail.

Dated: June 13, 2023

By: /s/ Shawn G. Hansen

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4889-9734-3081.2