EXHIBIT A
JOINT CLAIM CONSTRUCTION CHART

Disputed Claim Terms, Proposed Constructions, and Citations to Supporting Evidence

The parties reserve the right to rely on any intrinsic evidence cited for a term, regardless of which party provided the same.

	Term/Phrase (claims)	Plaintiffs' Proposed Construction	Plaintiffs' Supporting Evidence[1]	Defendants' Proposed Construction	Defendants' Supporting Evidence
1	"height adjustment mechanism" ('668, cl. 3, 4) ('650, cl. 1, 2)	A set of components for adjusting the height of an object.	If Howard puts forth an expert declaration in support of its proposed definition, Capsa will also submit an expert declaration supporting Capsa's definitions including evidence that this term connotes a known class of structures to one of ordinary skill in the art in view of the specification. '668 patent, cl. 3, 4. '650 patent, cl. 1, 2. '650 patent, Figure 1. '650 patent, Figures 9A, 9B, 10A, 10B. '650 patent, col. 3:38-39. '650 patent, col. 8:29-38. '650 patent, col. 14:5-17. Provisional App. 60/484,658,	No construction necessary.	**Supporting Intrinsic Evidence**: '668 Patent, Claims 3 and 4. '650 Patent, Claims 1 and 2.

[1] Citations to the description of the '668 patent were not explicitly made because the description of the '650 and '668 patents are essentially the same. The citations to the '650 patent in these charts by Plaintiff also incorporate the same portions from the '668 patent.

			at paragraphs 3-7. U.S. Patent No. 9,367,061 to Miller, Fig. 2A, col. 6:52-7:38; col. 13:28-44; col. 13:60-14:15 (discussing height adjustment mechanisms and drivers as known structures in the art). U.S. Patent No. 6,721,178 to Clark; e.g., Figures 4A, 10A, 16, col. 8:63-9:10. U.S. Patent No. 6,493,220 to Clark, 8:63-9:10 (discussing height adjustment mechanisms and giving examples of drivers). U.S. Patent No. 9,039,016 to Abernethy, col. 9:7-16; col. 10:16-21; col. 11:3-12 (using the term "height adjustment mechanism"); col. 15, ll. 8-12 (citing to US application Ser. Nos. 11/150,870 and 12/102,312 for examples of height adjustment mechanisms). U.S. Patent 10,667,612, col. 7:26-56 (discussing "height adjustment mechanism" as a well known class of structures).		
2	"work platform" ('668, cl. 3, 4)	A height adjustable set of components for facilitating work	'668 patent, cl. 3, 4. '650 patent, claims 1, 9, 12, 13. '650 patent, Figure 1.	Plain and ordinary meaning	**Supporting Intrinsic Evidence**: '668 patent, Abstract, 2:9-27, 4:23-35, 4:43-54, 4:66-5:9,

	('650, cl. 1, 2, 6, 8)	configured to be raised and lowered together.	'650 patent, Figure 7. '650 patent, col. 4:30-37. '650 patent, col. 7:28-32. '650 patent, col. 8:15-22; 25-28. '650 patent, col. 9:32-38.		5:10-39, 5:57-6:3, 6:20-43, 7:28-44, 8:15-28, 8:56-65, 9:1-38, 9:64-10:1, 13:53-64, Claims 1-7, Figs. 1-4B, 10A-14, 16. '650 patent, Abstract, 2:12-28, 4:25-37, 4:45-56, 5:1-5:11, 5:12-41, 5:59-6:5, 6:21-43, 7:28-45, 8:15-28, 8:56-67, 9:1-38, 9:64-10:1, 13:53-64, Claims 1-2, 4, 6, 8-9, 12-13, 16, 19-22, Figs. 1-4B, 10A-14, 16. **Supporting Extrinsic Evidence**: *Rubbermaid Inc. v. Ergotron, Inc.*, No. 3:12-cv-416, Memorandum of Decision and Order (W.D.N.C. March 11, 2014) (HOWARD_00001770-1785)
3	"actuator"/ "an actuator for controlling the driver" ('668, cl. 3, 4) ('650, cl. 1, 5, 8)	A mechanism to activate or control equipment, e.g., by use of pneumatic, hydraulic, or electronic signals	If Howard puts forth an expert declaration in support of its proposed definition, Capsa will also submit an expert declaration supporting Capsa's definition including evidence that these terms are not indefinite to one of ordinary skill in the art in view of the specification.	Subject to pre-AIA 35 U.S.C. § 112(6) **Function**: "controlling the driver" **Structure**: *Indefinite*	**Supporting Intrinsic Evidence**: '668 patent, 8:52-55, 9:1-38; Figs. 9A, 9B, 10A, 10B. '650 patent, 8:52-55, 9:1-38; Figs. 9A, 9B, 10A, 10B. **Supporting Extrinsic Evidence**: *Rubbermaid Inc. v. Ergotron, Inc.*, No. 3:12-cv-416,

			’668 patent, cl. 1, 2, 3, 4 (claim 2 discussing how the actuator controls the driver). ’668 patent, col. 11:6-40, Fig. 22 (discussing the use of a “button” actuator to send “lock” control signals to drive the solenoid piston driver). ’650, cl. 1, 5, 8. ’650 patent, col. 9:1-4 (referring to “a button 444 of the actuator 440”). ’650 patent, Figure 9A, 9B, 10B. ’650 patent, col. 8:52-56. ’650 patent, col. 9:1-38. U.S. Patent 6,019,429. Fig. 1-3, col. 1:35-48; col. 6:58-col. 10:39.; col. 11:8-16; col. 45-53; col. 12:34-52 (discussing height adjustable chair using a gas driven piston with valve actuator). U.S. Patent 7,673,942, col. 5:29-42 (use of gas spring chair height driver with foot pedal actuator “to control the release of the gas spring…”). U.S. Patent 10,667,612, col. 7:26-56; 10:14-24; col. 13:53-60 (discussing “height adjustment mechanism” as a well known class of structures and discussing		Memorandum of Decision and Order (W.D.N.C. March 11, 2014) HOWARD_00001770-1785 Expert testimony that “actuator”/ “an actuator for controlling the driver” should be construed under 35 U.S.C. § 112(6) with a function as “controlling the driver” and with an indefinite structure. Howard’s expert will explain the technology, the state of the art at the time the patent application was filed, the meaning of claim terms and phrases as they would be understood by those of ordinary skill in the art at the time of the alleged invention, how those of ordinary skill in the art would have understood statements made during prosecution of the application, the indefiniteness of any of the asserted claims, and the level of ordinary skill in the relevant art. Howard’s expert may offer a declaration on any of the above topics and/or to respond to Capsa’s contentions, any expert testimony on behalf of Capsa, or for the Court’s benefit.

			lever or button actuators to control gas driver for chair height, also describes gas cylinder as a gas driven piston). U.S. Patent No. 6,182,583 (discussing one type of gas spring with lever actuated valve and where the pressurized gas drives the seat up when the actuator is pushed). https://tameson.com/pages/pneumatic-cylinders, (discussing a double-acting pneumatic cylinder where air moves back and forth from each chamber to drive the rod) See also, https://www.machinedesign.com/mechanical-motion-systems/article/21837752/a-guide-to-gas-spring-design-and-customization https://officechairpicks.com/gas-cylinder/ (describing one embodiment of a gas piston driver with actuator using the example of an office chair). See also:		

			https://chairtalks.com/how-to-fix-an-office-chair-that-wont-stay-up/ See also: https://stealtho.store/how-to-fix-the-chair/ See, https://www.iqsdirectory.com/articles/air-cylinder/pneumatic-cylinders.html https://www.youtube.com/watch?v=hmz1h5fk2bI (showing embodiments where air is supplied externally instead of a closed or sealed piston). https://moliton.com/products/gas-springs/spring-blocking-gas-spring.html (discussing the locking of a gas spring by closing the internal valve of the gas piston). https://www.explainthatstuff.com/gassprings.html (explanation of how gas springs help drive/lift heavier items using compressed gas by opening and closing the release valve).		

			https://www.youtube.com/watch?v=HojDjwwRZ04 (discussing a push button actuator for a gas spring that opens the release valve to drive the gas piston). *See, e.g.*, Alan Freedman, *McGraw Hill Computer Desktop Encyclopedia* 11 (9th Cir. 2001) (defining "actuator" as "[a] mechanism that causes a device to be turned on or off, adjusted or moved."); *Random House Webster's College Dictionary* 14 (2d revised and updated ed. 2000) (defining "actuator" as "a person or thing that actuates" or "a servomechanism that supplies and transmits a measured amount of energy for the operation of another mechanism," and defining "actuator" as "to incite or move into action; impel; motivate" or "to put into action"); *McGraw-Hill Dictionary of Scientific and Technical Terms, 6th Edition* (defining "actuator" as "a mechanism to activate process control equipment by use of pneumatic, hydraulic, or electronic signals: for		

			example, a valve actuator for opening or closing a valve to control the rate of fluid flow."); *Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/actuator*. Accessed 6 Apr. 2023 (defining "actuator" as "a mechanical device for moving or controlling something."); *Merriam-Webster.com Thesaurus, Merriam-Webster, https://www.merriam-webster.com/thesaurus/actuator.* Accessed 6 Apr. 2023 ("actuator" is synonymous to "levers, knobs, controllers, switches, buttons, dials, push buttons, controls...").		
4	"work surface" ('668 patent (cl. 3, 4) ('650 patent (cl. 1)	Plain and ordinary meaning	'668 patent, cl. 3, 4. '650 patent, cl. 1, 7, 10, 16, 17. Work surface/platform **350**: '650 patent, col. 6:14-20. '650 patent, col. 4:21-22; 41-44; 52-59. '650 patent, col. 14:5-17. '650 patent, col. 5:42-44. '650 patent, col. 16:27-28. '650 patent, Fig. 1, 2A. Provisional App. 60/448,920, at 9-11. '650 patent, col. 1:46-47.	A curved surface at the top of a cart large enough to dispense medication or hold work papers.	**<u>Supporting Intrinsic Evidence</u>**: '668 patent, 1:7-16, 1:41-58 2:11-23; 4:28-35, 4:66-5:49, 5:50-6:3 6:4-43, 8:15-28 Figs. 1-4B, 6A-7 '650 patent, 1:7-18, 1:42-5,9 2:12-28; 4:30-37, 5:1-51, 5:52-6:5 6:6-43, 8:15-28 Figs. 1-4B, 6A-7 Provisional App 60/484658 (CAPSA00008710-31)

					Provisional App 60/518649 (CAPSA00008732-62) NFOA Rejection (CAPSA00001531-39) '650 patent Interview Summary (CAPSA00001649-52) Applicant's Claim Amendments and NFOA response (CAPSA00001653-66) 60/448920 Provisional (CAPSA00008096-8116) 60/518649 provisional (CAPSA00008732-62) **Supporting Extrinsic Evidence**: *Rubbermaid Inc. v. Ergotron, Inc.*, No. 3:12-cv-416, Memorandum of Decision and Order (W.D.N.C. March 11, 2014) (HOWARD_00001770-1785) Expert testimony that "work surface" should be construed to mean "A curved surface at the top of a cart large enough to dispense medication or hold work papers." Howard's expert will explain the technology, the state of the art at the time the

					patent application was filed, the meaning of claim terms and phrases as they would be understood by those of ordinary skill in the art at the time of the alleged invention, how those of ordinary skill in the art would have understood statements made during prosecution of the application, the indefiniteness of any of the asserted claims, and the level of ordinary skill in the relevant art. Howard's expert may offer a declaration on any of the above topics and/or to respond to Capsa's contentions, any expert testimony on behalf of Capsa, or for the Court's benefit.
5	"wherein the work surface is movable" ('650 patent (cl. 1)	Plain and ordinary meaning	'668 patent, cl. 3, 4. '650 patent, cl. 1, 7, 10, 16, 17. '650 patent, col. 6:14-20. '650 patent, col. 4:21-22. '650 patent, col. 14:5-17. '650 patent, col. 5:42-44. '650 patent, col. 16:27-28. '650 patent, Fig. 1, 2A, 2B. Provisional App. 60/448,920, at 9-11. '650 patent, col. 1:46-47.	Wherein the curved surface near the top of the cart large enough to dispense medication or hold work papers moves along a curved path toward the user.	**<u>Supporting Intrinsic Evidence</u>**: '650 patent, 1:7-18, 5:52-58, 6:14-20; Figs. 3A, 3B, 3C, 4A, 4B. Provisional App 60/484658 (CAPSA00008710-31) Provisional App 60/518649 (CAPSA00008732-62) **<u>Supporting Extrinsic Evidence</u>** *Rubbermaid Inc. v. Ergotron, Inc.*, No. 3:12-cv-416, Memorandum of Decision and Order (W.D.N.C. March 11,

					2014) HOWARD_00001770-1785 Expert testimony that "wherein the work surface is movable" should be construed to mean "wherein the curved surface near the top of the cart large enough to dispense medication or hold work papers moves along a curved path toward the user." Howard's expert will explain the technology, the state of the art at the time the patent application was filed, the meaning of claim terms and phrases as they would be understood by those of ordinary skill in the art at the time of the alleged invention, how those of ordinary skill in the art would have understood statements made during prosecution of the application, the indefiniteness of any of the asserted claims, and the level of ordinary skill in the relevant art. Howard's expert may offer a declaration on any of the above topics and/or to respond to Capsa's contentions, any expert testimony on behalf of Capsa, or for the Court's benefit.
6	"compartment(s)" ('668 patent (cl. 3, 4)	An enclosed space for containing an item.	'650 patent, Figures 1, 7, 8. '650 patent, cl. 1. '650 patent, col. 3:14-15; 33-37.	A small chamber, receptacle, or container.	**Supporting Intrinsic Evidence**: '668 patent 2:11-18; 2:28-44; 2:55-3:5, 4:28-35; 7:28-8:5;

	('650 patent (cl. 1, 5)		'650 patent, col. 4:30-34. '650 patent, col. 2:38-39. '650 patent, col. 7:33-36. '650 patent, col. 8:6-11. "Compartment: 2. One of the parts into which an enclosed space is divided." *Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/compartment*. Apr. 2023. *Random House Webster's Unabridged Dictionary 2183* (2d ed. 2001) (defining "within" as "4. inside an enclosed place, area, room, etc." or "6. in or into the interior of or the parts or space enclosed by").		10:23-53; 12:29-38; 13:53-14:4. Figs. 1, 7, 8. '650 patent 2:12-19; 2:29-45; 2:56-3:6, 4:30-37; 7:28-8:5; 10:23-53; 12:29-38; 13:53-14:4. Figs. 1, 7, 8. **<u>Supporting Extrinsic Evidence</u>** *Rubbermaid Inc. v. Ergotron, Inc.*, No. 3:12-cv-416, Memorandum of Decision and Order (W.D.N.C. March 11, 2014) (HOWARD_00001770-1785) *Compartment,* Webster's Third New International Dictionary 462 (2002) "**3.a:** a small chamber, receptacle, or container."
7	"at least one compartment" ('650 patent (cl. 1)	Plain and ordinary meaning	'650 patent, claim 1, 9, 14. See also citations for "compartment." '650 file history, 2012-03-28 Applicant Remarks, pg. 8 (stating "placement of the work surface above the compartment permits easier accessibility…none of these references discloses a cart having a height-adjustable platform with a movable work surface located above a	One or more compartments.	**<u>Supporting Intrinsic Evidence</u>**: '650 patent 4:30-37; Figs. 1, 16 NFOA Rejection (CAPSA00001531-39). '650 patent Interview Summary (CAPSA00001649-52) Applicant's Claim Amendments and NFOA response (CAPSA00001653-

			compartment”).		66). **<u>Supporting Extrinsic Evidence</u>** *Rubbermaid Inc. v. Ergotron, Inc.*, No. 3:12-cv-416, Memorandum of Decision and Order (W.D.N.C. March 11, 2014) (HOWARD_00001770-1785).
8	“disposed above the compartment(s)” / “disposed above a top of the at least one compartment” (’668 patent (cl. 3, 4) (’650 patent (cl. 1)	Plain and ordinary meaning (in view of other proposed definitions)	See citations for “compartment” and “at least one compartment”.	Above all the one or more compartments.	**<u>Supporting Intrinsic Evidence</u>**: ’668 Patent 9:1-22, 1:40-58; Figs. 1, 6A-7, 10A, 10B. ’650 Patent 9:1-22, 1:42-59; 4:30-37; 8:15-28; Figs. 1, 6A-7, 10A, 10B. NFOA Rejection (CAPSA00001531-39). ’650 patent Interview Summary (CAPSA00001649-52). Applicant’s Claim Amendments and NFOA response (CAPSA00001653-66). **<u>Supporting Extrinsic Evidence</u>** *Rubbermaid Inc. v. Ergotron, Inc.*, No. 3:12-cv-416, Memorandum of Decision and Order (W.D.N.C. March 11,

					2014) (HOWARD_00001770-1785)
9	"driver" ('668 patent (cl. 3, 4) ('650 patent (cl. 1, 2, 8)	A mechanical component for imparting motion to another component.	If Howard puts forth an expert declaration in support of its proposed definition, Capsa will also submit an expert declaration supporting Capsa's definitions including evidence that this term connotes a known class of structures to one of ordinary skill in the art in view of the specification. '650 patent, cl. 1, 8. '650 patent, col. 8:29-38. '650 patent, col. 8:52-54. '668 patent, cl. 2, 3, 4. Websites discussing types of drivers (e.g., linear actuators): https://www.linearmotiontips.com/main-types-linear-actuators/ https://components101.com/articles/types-of-actuators https://www.globalspec.com/learnmore/motion_controls/linear_actuators/linear_actuators U.S. Patent No. 9,367,061 to Miller, Fig. 2A, col. 6:52-7:38; col. 13:28-44; col.	Gas driven piston.	**Supporting Intrinsic Evidence**: '668 patent 8:52-55 9:1-38 Fig. 9A, 9B. '650 patent 8:52-55 9:1-38 Fig. 9A, 9B. **Supporting Extrinsic Evidence** *Rubbermaid Inc. v. Ergotron, Inc.*, No. 3:12-cv-416, Memorandum of Decision and Order (W.D.N.C. March 11, 2014) (HOWARD_00001770-1785). Expert testimony that "driver" should be construed to mean "gas driven piston." Howard's expert will explain the technology, the state of the art at the time the patent application was filed, the meaning of claim terms and phrases as they would be understood by those of ordinary skill in the art at the time of the alleged invention, how those of ordinary skill in the art would have understood statements made during prosecution of the application, the indefiniteness of any of the asserted claims,

			13:60-14:15 (discussing height adjustment mechanisms and "drivers" as known structures in the art and stating "drivers" can include "gas driven pistons" or "linear actuators used in conjunction with a motor".). U.S. Patent No. 9,211,160, col. 8:17-23; col. 28:60-29:7 (discussing a "driver" as a known structure for imparting motion to another component). U.S. Patent No. 6,721,178 to Clark; e.g., Figures 4A, 10A, 16, col. 8:63-9:10 (discussing height adjustment mechanisms and giving examples of drivers). U.S. Patent No. 6,493,220 to Clark, 8:63-9:10 (discussing height adjustment mechanisms and giving examples of drivers). U.S. Patent No. 9,039,016 to Abernethy, col. 9:7-16; col. 10:16-21; col. 11:3-12 (using the term "height adjustment mechanism" and giving examples of drivers); col. 15, ll. 8-12 (citing to US application Ser. Nos. 11/150,870 and 12/102,312 for examples of height adjustment mechanisms and		and the level of ordinary skill in the relevant art. Howard's expert may offer a declaration on any of the above topics and/or to respond to Capsa's contentions, any expert testimony on behalf of Capsa, or for the Court's benefit.

			giving examples of drivers). U.S. Patent 10,667,612, col. 7:26-56 (discussing "height adjustment mechanism" as a well known class of structures and giving examples of drivers). Driver: a piece for imparting motion to another piece either directly or indirectly. *Webster's 3rd Int'l Dictionary, Unabridged.*		
10	"movable platform" ('650 patent (cl. 6)	Plain and ordinary meaning Or in the alternative: A substantially flat raised area or structure that can move.	'650 patent, cl. 6, 7, 9, 12, 13. '650 patent, Fig. 1, 2A, 2B. Work surface/platform **370**: '650 patent, col. 4:30-col. 5:51. '650 patent, col. 8:15-28.	Movable surface at the top of the cart.	**Supporting Intrinsic Evidence**: '650 patent 4:30-37, 5:52-58, 8:15-28 Figs. 1, 2A, 2B, 6B, 6C, 13, 14, 16, 21A NFOA Rejection (CAPSA00001531-39) '650 patent Interview Summary (CAPSA00001649-52) Claim Amendments and NFOA response (CAPSA00001653-66) **Supporting Extrinsic Evidence** *Rubbermaid Inc. v. Ergotron, Inc.*, No. 3:12-cv-416, Memorandum of Decision and Order (W.D.N.C. March 11, 2014) (HOWARD_00001770-

					1785)
11	"drawer slides" ('668 patent (cl. 3)	Plain and ordinary meaning	'650 patent, Figures 9A, 9B. '650 patent, col. 8:29-51.	Plain and ordinary meaning (i.e., elongate stationary drawer rails and corresponding elongate rail runners configured to support a drawer for sliding movement between a closed position and an open position).	**Supporting Intrinsic Evidence**: '668 patent 8:29-52 Figs. 9A, 9B **Supporting Extrinsic Evidence** Expert testimony that "drawer slides" should be construed under its plain and ordinary meaning, (i.e., elongate stationary drawer rails and corresponding elongate rail runners configured to support a drawer for sliding movement between a closed position and an open position.) Howard's expert will explain the technology, the state of the art at the time the patent application was filed, the meaning of claim terms and phrases as they would be understood by those of ordinary skill in the art at the time of the alleged invention, how those of ordinary skill in the art would have understood statements made during prosecution of the application, the indefiniteness of any of the asserted claims, and the level of ordinary skill in the relevant art. Howard's expert may offer a declaration

					on any of the above topics and/or to respond to Capsa's contentions, any expert testimony on behalf of Capsa, or for the Court's benefit.
12	"wherein the height adjustment mechanism is configured to releasably lock the work platform at a plurality of heights" / "wherein the height adjustment mechanism is configured to releasably position the work platform at a plurality of heights" ('668 patent (cl. 3, 4) ('650 patent (cl. 1)	"releasably lock" means to releasably fix or hold in place. The other terms, not otherwise construed herein, should be afforded their plain and ordinary meaning.	If Howard puts forth an expert declaration in support of its proposed definition, Capsa will also submit an expert declaration supporting Capsa's definition including evidence that the term "releasably lock" is used consistent with the plain and ordinary meanings of the terms to one of ordinary skill in the art in view of the specification. '650 patent, col. 6:20-23, Figure 3C (for locking the work surface in place). '650 patent, col. 9:11-38. '650 patent, col. 10:1-22. '650 patent, col. 12:39-67. '650 patent, col. 13:1-29. See, also citations to "height adjustment mechanism" and "driver." "Lock:" 2(b): to fix in a particular situation or method of operation, 3(a): to make fast, motionless, or inflexible	Wherein the height adjustment mechanism secures the work platform at a plurality of heights via a biased pin, latch, or other mechanical impediment to movement.	**Supporting Intrinsic Evidence**: '668 patent 1:7-16, 6:20-48, 9:1-38, Fig. 9A, 9B '650 patent 1:7-18, 6:21-48, 9:1-38, Fig. 9A, 9B Provisional App 60/484658 (CAPSA00008710-31) **Supporting Extrinsic Evidence** *Lock*, The American Heritage College Dictionary, Third ed., (796) 1997 "**5:** To engage and interlock securely so as to be immobile." Expert testimony that "wherein the height adjustment mechanism is configured to releasably lock the work platform at a plurality of heights" / "wherein the height adjustment mechanism is configured to releasably position the work platform at a plurality of heights" should be construed to mean "wherein the height adjustment mechanism secures the work platform at a

			especially by the interlacing or interlocking of parts. *Merriam-Webster.com Dictionary, Merriam-Webster,* https://www.merriam-webster.com/dictionary/lock. Accessed 5 Apr. 2023. "Lock": to become fastened, fixed, or interlocked. *https://www.dictionary.com/browse/lock* The quality or state of being released, "Releasability." *Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/releasability.* Accessed 13 Apr. 2023.		plurality of heights via a biased pin, latch, or other mechanical impediment to movement." Howard's expert will explain the technology, the state of the art at the time the patent application was filed, the meaning of claim terms and phrases as they would be understood by those of ordinary skill in the art at the time of the alleged invention, how those of ordinary skill in the art would have understood statements made during prosecution of the application, the indefiniteness of any of the asserted claims, and the level of ordinary skill in the relevant art. Howard's expert may offer a declaration on any of the above topics and/or to respond to Capsa's contentions, any expert testimony on behalf of Capsa, or for the Court's benefit.

	Term/Phrase	Plaintiffs' Proposed Construction	Plaintiffs' Supporting Evidence	Defendants' Proposed Construction	Defendants' Supporting Evidence
13	"track" ('527, cl. 1, 2, 5)	A mechanical component that another component slides or rolls along.	'527 patent, cl. 1, 2, 5. '527 patent, col. 2:29-col. 3:25 (e.g., discussing tracks 30, 42). '527 patent, Figures 2-5. "Track: the course along which something moves or progresses." *Merriam-Webster.com Dictionary, Merriam-Webster,* https://www.merriam-webster.com/dictionary/track. Accessed 5 Apr. 2023.	An elongate guide, supported along its length, for guiding a runner.	**Supporting Intrinsic Evidence**: '527 patent, 2:29-62; Figs. 2-5. **Supporting Extrinsic Evidence**: *Track*, Merriam-Webster's Collegiate Dictionary, Eleventh ed., 1324 (2007) "**f:** a usually metal way (as a groove) serving as a guide (as for a movable lighting fixture)"

	Term/Phrase	Plaintiffs' Proposed Construction	Plaintiffs' Supporting Evidence	Defendants' Proposed Construction	Defendants' Supporting Evidence
14	"platform" ('527, cl. 1, 3, 4, 5, 6)	A substantially flat raised area or structure.	'527 patent, cl. 1, 3, 4, 5, 6, 7, 9, 16. '527 patent, Figures 1-6, 8, 10. '527 patent, col. 2:14-col. 3:40 (discussing primary and secondary work platforms). '527 patent, col. 4:10-50. "Platform": a horizontal flat surface usu. higher than the adjoining area (as of floor or ground). *Webster's 3rd New Int'l Dictionary, Unabridged.* "Platform": a flat raised area or structure (raised with respect to the floor). *Cambridge (on-line) Dictionary.* "Platform": A usually raised structure that has a flat surface where people or machines do work. *Britannica (on-line) Dictionary*.	Plain and ordinary meaning.	**Supporting Intrinsic Evidence**: '527 patent, 1:24-44; 2:4-28; 2:63-3:51; Figs. 1-6, 8, 10. Applicant's Claim Amendments and NFOA response (CAPSA00001343-49) **Supporting Extrinsic Evidence**: *Platform*, Merriam-Webster's Collegiate Dictionary, Eleventh ed., 950 (2007) "**3a(1)**: a usually raised horizontal flat surface; especially: a raised floor." *Platform*, The Oxford English Dictionary, Second ed., Vol. XI, 1001-1003 (2000) "III. The surface or area on which anything stands; esp. a raised level surface." "**6**: A raised level surface or area."

15	"arm" ('527 patent (cl. 1, 2, 6)	A component that projects from a device for supporting or holding another component.	'527 patent, cl. 1, 2, 6, 16 '527 patent, Figures 2-10. '527 patent, col. 2:29-col 3:60. Arm: a projecting part of a machine or mechanical appliance that often moves up and down or rotates. *Webster's 3rd New International Dictionary, Unabridged.* Arm: 2. Something like or corresponding to an arm…6. a support (as on a chair) for the elbow and forearm." *Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/arm. Accessed 5 Apr. 2023.*	A slender part that projects from a supported end.	**Supporting Intrinsic Evidence**: '527 patent, 1:27-44; 2:29-45; 2:54-62; Figs. 2-10. **Supporting Extrinsic Evidence**: *Arm*, Merriam-Webster's Collegiate Dictionary, Eleventh ed., 67 (2007) "**2d**: a slender part of a structure, machine, or an instrument projecting from a main part, axis, or fulcrum."
16	"substantially coextensive" ('527 patent (cl. 4)	Plain and ordinary meaning or in the alternative Occupying approximately the same space or period of time.	'527 patent, Figure 3. '527 patent, col. 3:5-27. '527 patent, cl. 4. Coextensive: having the same scope or boundaries, occupying the same space or period of time. *Webster's 3rd New Int'l Dictionary, Unabridged.*	Dimensioned such that it effectively doubles the work area available to the user when extended.	**Supporting Intrinsic Evidence**: '527 patent, 2:63-3:27.

17	"means for automatically adjusting a height of the platform" ('016 patent (cl. 20)	This is a 112(6) means-plus-function limitation. The disclosed structure for performing the claimed function of "automatically adjusting a height of the platform" is: Embodiment 1 structure: processor, height adjustment mechanism (where the processor is programmed to retrieve stored user height based on User ID and use the stored height to control the height adjustment mechanism to automatically adjust the height of the work platform to a corresponding predetermined height). Embodiment 2 structure: processor, sensor, height adjustment	'016 patent col. 9: 7-16. '016 patent, col. 10:39-50. '016 patent, col. 10:62-65. '016 patent, col. 11:39-45.	Subject to pre-AIA 35 U.S.C. § 112(6) **Function:** Automatically adjusting a height of the platform. **Structure:** A processor programmed to instruct a motorized lift mechanism to lift or lower the platform by non-manual force to a predetermined ergonomic position selected by the processor based on a given user's physical height input at a control panel or detected by a sensor and received by the processor, which communicates with a database containing a list of potential user heights and predetermined ergonomic positions associated with each of the potential user heights, the predetermined ergonomic position being based on the average distance between the eyes and	**Supporting Intrinsic Evidence**: '016 Patent, Abstract, 1:13-39, 1:43-61, 2:11-13, 2:23-40, 5:49-64, 6:50-57, 9:7-57, 10:16-12:2; 14:63-15:30, Figs. 6, 7A, 8, 11A, 13, 14, 24-26. Provisional App 61/596,635 (CAPSA00002813-73), U.S. Patent No. 9,775,431 (CAPSA00004373-4417) '431 NFOA Rejection (CAPSA00003825-51) Applicant's Claim Amendments and NFOA response to '431 NFOA Rejection (CAPSA00003818-22) **Supporting Extrinsic Evidence**: U.S. Patent Publication No. 2007/0228680 to Reppert et al.

		mechanism (where the processor is programmed to obtain user height measurements from the sensor and use the sensor measurements to control the height adjustment mechanism to automatically adjust the height of the work platform to a corresponding predetermined height). <u>Embodiment 3 structure</u>: processor, height adjustment mechanism (where the processor is programmed to retrieve a particular user's stored preferred work platform height when the user selects or instructs the processor to automatically adjust the work platform to the user's preferred height and to control		elbows of a person having the given user's physical height.	

		the height adjustment mechanism to automatically adjust the height of the work platform to the user's stored preferred height).			