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simplehuman, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

SIMPLEHUMAN, LLC,
a California limited liability
company,

Plaintiff,

V.

VOLUME DISTRIBUTORS, INC.,
a California corporation,

Defendant.

Civil Action No. 2:23-cv-2219-JAK-AS

SIMPLEHUMAN'S PROPOSED CONSTRUCTIONS FOR IDENTIFIED PATENT CLAIM TERMS

1 Pursuant to the Court’s Standing Patent Rule 3.2 and Order Setting Pretrial
2 Deadlines (ECF 10, 24), Plaintiff simplehuman, LLC (“simplehuman”) hereby
3 provides its proposed constructions of each claim term identified by either party
4 for construction. simplehuman also hereby identifies intrinsic and extrinsic
5 evidence supporting its proposed constructions.

6 simplehuman reserves the right to amend or otherwise supplement its
7 proposed constructions and evidentiary support as may be appropriate, particularly
8 as to narrow the scope of any disputed issues, to better address the true focus of
9 any dispute between the parties, in view of any amendments or supplements to
10 Defendant’s invalidity contentions, and/or to rebut any positions expressed by
11 Defendant with respect to its proposed constructions or supporting evidence.

12 Pursuant to S.P.R. 3.2, simplehuman’s proposed constructions and citations
13 to intrinsic and extrinsic evidence supporting its proposed constructions are set
14 forth in **Exhibit A**.

15
16 Respectfully submitted,

17 KNOBBE, MARTENS, OLSON & BEAR, LLP
18

19 Dated: August 25, 2023

By: /s/ Nicholas M. Zovko

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21 Matthew S. Bellinger
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24 Attorneys for Plaintiff
25 simplehuman, LLC
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EXHIBIT A

Exhibit A

simplehuman's Proposed Constructions And Identification Of Supporting Evidence

Claim Term	Patent(s) and Claim(s)	Proposed Construction	Supporting Evidence
"trim member"	'165 patent, Claims 1, 3, 7, 10 '263 patent, Claims 1, 3, 5	The term does not require construction and should be accorded its plain and ordinary meaning, which is an externally visible ornamentation member.	'165 patent: 2:36-3:28, 6:35-65, 9:43-11:41, 13:5-27; Claims 1, 3-5, 7-10, 14; Figures 1-4, 7, 8, 10. '263 patent: 2:40-3:32, 6:40-7:3, 9:48-11:47, 13:11-32; Claims 1, 3-5, 9, 10, 12, 13, 16-20; Figures 1-4, 7, 8, 10. '165 patent file history: 10/13/2017 Claims (SHUMAN-VB_0001500-03), 2/12/2020 Notice of Allowance (SHUMAN-VB_0001984-91). '263 patent file history: 9/20/2021 Claims (SHUMAN-VB_0002051), 10/28/2022 Notice of Allowance (SHUMAN-VB_0002503-10). American Heritage Dictionary (5th ed. 2011). SHUMAN-VB_0002694-96. MacMillan English Dictionary (2nd ed. 2010). SHUMAN-VB_0002609-11. New Oxford American Dictionary (3rd ed. 2010). SHUMAN-VB_0002697-700.

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Claim Term	Patent(s) and Claim(s)	Proposed Construction	Supporting Evidence
“detent”	'165 patent, Claim 2 '263 patent, Claim 6	The term does not require construction and should be accorded its plain and ordinary meaning, which is a catch that prevents motion until released.	'165 patent: 2:64-3:28, 10:29-61; Claims 2, 21; Figs. 9-10. '263 patent: 3:1-32, 10:35-67; Claims 6, 14; Figs. 9-10. New Oxford American Dictionary (3rd ed. 2010). SHUMAN-VB_0002697-700. Global Dictionary of Mechanical Engineering (2012). SHUMAN-VB_0002606-08. Wiley Electrical and Electronics Engineering Dictionary (2004). SHUMAN-VB_0002612-14.
“longitudinal axis”	'165 patent, Claims 3, 10	The term does not require construction and should be accorded its plain and ordinary meaning, which is the long axis.	'165 patent: 2:36-3:15, 6:1-17, 7:24-53, 7:62-8:4, 10:1-11:41, 14:3-19, 15:27-42, 15:64-16:37; Claims 3, 10, 17; Figures 1-4, 10, 12-13. Collins Dictionary (10th ed. 2009). SHUMAN-VB_0002644-46. MacMillan English Dictionary (2nd ed. 2007). SHUMAN-VB_0002647-49.

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Claim Term	Patent(s) and Claim(s)	Proposed Construction	Supporting Evidence
			American Heritage Dictionary (5th ed. 2011). SHUMAN-VB_0002757-59. Pocket Illustrated Dictionary of Engineering Terms (2001). SHUMAN-VB_0002764-66. ASTM Dictionary of Engineering Science and Technology (10th ed. 2005). SHUMAN-VB_0002767-69. James Allen III, MECHANICS OF MATERIALS FOR DUMMIES (2011). SHUMAN-VB_0002760-63.
“power”	'165 patent, Claims 1, 13, 15 '263 patent, Claim 7	The term does not require construction and should be accorded its plain and ordinary meaning.	N/A
“power transmission device”	'165 patent, Claims 1, 13, 15 '263 patent, Claim 7	The term does not require construction and should be accorded its plain and ordinary meaning.	N/A

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simplehuman's Proposed Constructions And Identification Of Supporting Evidence

Claim Term	Patent(s) and Claim(s)	Proposed Construction	Supporting Evidence
“power transmission device comprises a foot pedal”	'165 patent, Claim 15 '263 patent, Claim 7	The term does not require construction and should be accorded its plain and ordinary meaning.	N/A
“configured to receive a trash bag”	'263 patent, Claim 1	The term does not require construction and should be accorded its plain and ordinary meaning.	N/A

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CERTIFICATE OF SERVICE

I am a citizen of the United States of America and I am employed in Irvine, California. I am over the age of 18 and not a party to the within action. My business address is 2040 Main Street, Fourteenth Floor, Irvine, California.

On August 25, 2023, I served the foregoing **SIMPLEHUMAN'S PROPOSED CONSTRUCTIONS FOR IDENTIFIED PATENT CLAIM TERMS** on counsel shown below via email:

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Volume Distributors, Inc.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on August 25, 2023, at Irvine, California.



Linda P. Dunn

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