

EXHIBIT 28

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

MHL CUSTOM, INC.

Plaintiff,

v.

Civil Action No. 3:22-cv-21258-MCR-ZCB

FOIL BOARDING COMPANY,
INC.

Defendant.

JOINT CLAIM CONSTRUCTION STATEMENT AND CHART

Plaintiff, MHL Custom, Inc., and Defendant, Foil Boarding Company, Inc., submit the following Joint Claim Construction Statement and Chart for U.S. Patent Nos. 9,359,044 and 9,586,659.

On February 28, 2024, Defendant produced documents to Plaintiff pursuant to LPR 4.2. This production appears to contain over 300 GB of data. Because this is such a large volume of data, Plaintiff did not even complete its download of the data until February 29, 2024. Consequently, as of this filing, Plaintiff has not had sufficient time to review the data and/or determine if it contains the requisite material in accordance with LPR 4.2 or if it was produced in a manner consistent with the Parties' agreed ESI Protocol. Because Defendant's technical data, pursuant to LPR 4.2, was to be produced well in advance of this filing in order to allow Plaintiff to

review and analyze such material sufficiently in advance, the Parties agree that Plaintiff's rights are reserved to modify, amend, or supplement its claim construction positions.

The Parties further state that they do not anticipate calling any witnesses at the claim construction hearing and believe that two (2) hours should be a sufficient amount of time for the hearing.

U.S. Patent No. 9,359,044

Claim Term	Claim #	Plaintiff's Proposed Construction and Evidence in Support	Defendant's Proposed Construction and Evidence in Support
"passively stable"	1	<p>Not limiting</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 7, Ln. 25-48; Col. 8, Ln. 1-4</p>	<p><u>Proposed Constructions</u></p> <p>Passively stable: Indefinite or, in the alternative, "Having an initial tendency to return to its original condition when disturbed in pitch, yaw, and roll"</p> <p><u>Evidence</u></p> <p><u>'044 Patent</u></p> <p>3:57 – 4:3; 5:55 – 7:18</p> <p><u>Hydrodynamics of High-Speed Marine</u></p>

			<p><u>Vehicles</u>, Odd M. Faltinsen</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “passively stable” to be indefinite or, in the alternative, “Having an initial tendency to return to its original condition when disturbed in pitch, yaw, and roll” based on a review of the intrinsic and extrinsic evidence.</p>
“weight-shift controlled”	1	<p>Not limiting</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 7, Ln. 25-48; Col. 8, Ln. 1-4</p>	<p><u>Proposed Constructions</u></p> <p>Weight-shift controlled: Indefinite or, in the alternative, “Being able to control pitch, yaw, and roll of the watercraft via weight-shift of a user”</p> <p><u>Evidence</u></p> <p><u>‘044 Patent</u></p> <p>Abstract; 1:42 – 48; 2:5-35; 5:36 – 7:18</p>

			<p><u>'044 File History</u> Pg, 609 - 612</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “weigh-shift controlled” to be indefinite or, in the alternative, “Being able to control pitch, yaw, and roll of the watercraft via weight-shift of a user” based on a review of the intrinsic and extrinsic evidence.</p>
<p>“wherein a user can be disposed on the top surface of the flotation device in a prone, kneeling, or standing position”</p>	1	<p><u>Proposed Construction:</u></p> <p>Wherein a user can be disposed on the top surface of the flotation device in each of the following positions: lying chest down; kneeling; or standing</p> <p><u>Intrinsic Evidence:</u></p> <p>Abstract; Fig. 1; Col. 3, Ln. 13-17; Col. 4, Ln. 33-40; Col. 7, Ln. 30-33.</p> <p><u>Potential Extrinsic Evidence:</u></p>	<p><u>Proposed Constructions</u></p> <p>Wherein a user can be disposed on the top surface of the flotation device in a prone, kneeling, or standing position: “prone, kneeling, or standing are alternatives, but only one of them is required”</p> <p><u>Evidence</u></p> <p><u>'044 Patent</u></p> <p>Abstract; Figure 1</p>

		<p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning; www.merriam-webster.com/dictionary/prone</p>	<p>4:33 – 45;</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “Wherein a user can be disposed on the top surface of the flotation device in a prone, kneeling, or standing position” to be “wherein a user can be in a prone, kneeling, or standing position, but only one of them is required” based on a review of the intrinsic and extrinsic evidence.</p>
<p>“the flotation device having a forward section, a middle section, and a rear section”</p>	1	<p><u>Proposed Construction:</u></p> <p>No construction needed – plain and ordinary meaning</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 3, Ln. 27-33; Fig. 1</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the</p>	<p><u>Proposed Constructions</u></p> <p>Having a forward section, a middle section, and a rear section: Indefinite or, in the alternative, “Having forward, middle, and rear sections defined by structural differences wherein the middle section includes the midpoint of the floatation device”</p> <p><u>Evidence</u></p>

		plain and ordinary meaning	<p><u>'044 Patent</u></p> <p>Figure 1 3:19-34</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “Having a forward section, a middle section, and a rear section” to be indefinite or, in the alternative, “Having forward, middle, and rear sections defined by structural differences wherein the middle section includes the midpoint of the floatation device” based on a review of the intrinsic and extrinsic evidence.</p>
“a strut having an upper end and a lower end, the upper end fixedly interconnected with the flotation device between the middle section and rear section of the flotation device”	1	<p><u>Proposed Construction:</u></p> <p>No construction needed – plain and ordinary meaning</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 3, Ln. 31-34; Figs. 1 and 3</p>	<p><u>Proposed Constructions</u></p> <p>The upper end fixedly interconnected with the flotation device between the middle section and the rear section of the flotation device: Indefinite or, in the alternative,</p>

		<p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning</p>	<p>“Wherein the upper end of the strut is fixedly interconnected with the flotation device at a location between the middle section and the rear section but not connected to the middle section or the rear section of the flotation device”</p> <p><u>Evidence</u></p> <p><u>‘044 Patent</u></p> <p>Figure 1 3:31-34</p> <p>Cambridge Dictionary definition of between: “in or into the space that separates two places, people, or objects”</p> <p>Marriam-Webster Dictionary definition of between: “in the time, space, or interval that separates”</p> <p>Dictionary.com definition of between: “in the space separating (two points, objects, etc.)”</p>
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<p>“fixedly interconnected”</p>	<p>1</p>	<p><u>Proposed Construction:</u></p> <p>No construction needed – plain and ordinary meaning. If the Court believes construction is required: securely interconnected</p> <p><u>Intrinsic Evidence:</u></p> <p>Abstract; Col. 1, Ln. 56-60; Col. 3, Ln. 1-6; Col. 3, Ln. 24-27; Col. 3, Ln. 31-34; Col. 3, Ln. 49-53; Col. 4, Ln. 55-Col. 5, Ln. 3; Figures</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning; https://www.merriam-webster.com/dictionary/fixedly</p>	<p><u>Proposed Constructions</u></p> <p>Fixedly interconnected: “Where the upper end of the strut is integrally formed or permanently interconnected with the flotation device”</p> <p><u>Evidence</u></p> <p><u>‘044 Patent</u></p> <p>Abstract Figure 1 4:55-5:3</p> <p><u>‘044 File History</u> Pg, 609 - 612</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “Fixedly interconnected” to be “Where the upper end of the strut is integrally formed or permanently interconnected with the flotation device” based on a review of the intrinsic and extrinsic evidence.</p>
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<p>“designed to provide passive static stability controlled solely by weight shift of the user”</p>	<p>1</p>	<p><u>Proposed Construction:</u></p> <p>Designed such that the hydrofoil has an initial tendency to return to its original condition when disturbed without the hydrofoil having any moveable components, controlled solely by weight shift of the user</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 2, Ln. 5-25; Col. 2, Ln. 30-35; Col. 3, Ln. 57-67; Col. 5, Ln. 36 - Col. 7, Ln. 18; Response to Aug. 17, 2015 Non-Final Office Action, p. 5-7.</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning; John D. Anderson, Jr., <i>Introduction to Flight</i> (3rd ed. 1989)</p>	<p><u>Proposed Constructions</u></p> <p>Designed to provide passive static stability controlled solely by weight shift of the user: Indefinite or, in the alternative, “Designed such that the hydrofoil has an initial tendency to return to its original condition when disturbed in pitch, yaw, and roll in all operating conditions controlled by the weight shift of the user”</p> <p><u>Evidence</u></p> <p><u>‘044 Patent</u></p> <p>3:57 – 4:3; 5:55 – 7:18</p> <p><u>Hydrodynamics of High-Speed Marine Vehicles</u>, Odd M. Faltinsen</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “Designed to provide</p>
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			passive static stability controlled solely by weight shift of the user” to be indefinite or, in the alternative, “Designed such that the hydrofoil has an initial tendency to return to its original condition when disturbed in pitch, yaw, and roll in all operating conditions controlled by the weight shift of the user” based on a review of the intrinsic and extrinsic evidence.
“the watercraft having no moveable steering system”	1	<p><u>Proposed Construction:</u></p> <p>No construction needed – plain and ordinary meaning</p> <p><u>Intrinsic Evidence:</u></p> <p>Abstract; Col. 1, Ln. 42-48; Col. 2, Ln. 5-9; Col. 2, Ln. 17-25; Col. 5, Ln. 36-40; Col. 5, Ln. 55-62</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the</p>	<p><u>Proposed Constructions</u></p> <p>Watercraft having no movable steering system: Indefinite or, in the alternative, “A watercraft that does not have a moveable mechanism that effects directional control”</p> <p><u>Evidence</u></p> <p><u>‘044 Patent</u></p> <p>1:50 – 55; 4:39-40; 5:61 – 62</p> <p>Defendant may rely on expert testimony to</p>

		plain and ordinary meaning	confirm that the plain and ordinary meaning of one skilled in the relevant art for “Watercraft having no movable steering system” to be indefinite or, in the alternative, “A watercraft that does not have a moveable mechanism that effects directional control” based on a review of the intrinsic and extrinsic evidence.
“the design for providing the passive static stability is achieved through a combination of airfoil design, planform design and tailoring of span-wise twist distribution”	5	<p><u>Proposed Construction:</u></p> <p>The design for providing the passive static stability is achieved through a combination of:</p> <ul style="list-style-type: none"> - a geometry of a cross-section of the hydrofoil; - a shape of the hydrofoil as viewed from above; and - a measure of rotation of a hydrofoil section along the span of the hydrofoil <p><u>Intrinsic Evidence:</u></p> <p>Figs. 8-10; Col. 2, Ln. 20-25;</p>	<p><u>Proposed Constructions</u></p> <p>A combination of airfoil design, planform design and tailoring of span-wise twist distribution: Indefinite or, in the alternative not limiting.</p> <p><u>Evidence</u></p> <p><u>‘044 Patent</u></p> <p>Figure 1 3:57-64; 5:63-7:18</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning</p>

		<p>Col. 2, Ln. 57-62; Col. 3, Ln. 57-67; Col. 5, Ln. 36 – Col. 7, Ln. 18; Col. 8, Ln. 3-4.</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art; https://en.wikipedia.org/wiki/Airfoil; Obert, E. “Aerodynamic Design of Transport Aircraft” IOS Press, 2009</p>	<p>of one skilled in the relevant art for “a combination of airfoil design, planform design and tailoring of span-wise twist distribution” to be indefinite or, in the alternative not limiting based on a review of the intrinsic and extrinsic evidence.</p>
<p>“wherein the hydrofoil is wing shaped with a front edge and a rear edge that both curve rearwardly”</p>	6	<p><u>Proposed Construction:</u></p> <p>No construction needed – plain and ordinary meaning</p> <p><u>Intrinsic Evidence:</u></p> <p>Figures</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning</p>	<p><u>Proposed Constructions</u></p> <p>Front edge and a rear edge that both curve rearwardly: “wherein the front edge of the hydrofoil is shaped as a curve towards the rearward direction of the watercraft and the rear edge of the hydrofoil is shaped as a curve towards the rearward direction of the watercraft”</p> <p><u>Evidence</u></p> <p><u>‘044 Patent</u></p> <p>Figure 8</p>

			<p>Marriam-Webster Dictionary for curve (verb): “to have or take a turn, change, or deviation from a straight line or plane surface without sharp breaks or angularity”</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “Front edge and a rear edge that both curve rearwardly” to be “wherein the front edge of the hydrofoil is shaped as a curve towards the rearward direction of the watercraft and the rear edge of the hydrofoil is shaped as a curve towards the rearward direction of the watercraft” based on a review of the intrinsic and extrinsic evidence.</p>
“watercraft comprises a cooling system”	12	<p><u>Proposed Construction:</u></p> <p>No construction needed – plain and ordinary meaning.</p> <p><u>Intrinsic Evidence:</u></p>	<p><u>Proposed Constructions</u></p> <p>Watercraft comprises a cooling system: “apparatus employed to keep the temperature of the</p>

		<p>Col. 4, Ln. 50-55</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning</p>	<p>electric motor from exceeding limits imposed by needs of safety and efficiency”</p> <p><u>Evidence</u></p> <p><u>‘044 Patent</u></p> <p>4:54-55</p> <p>Britannica Dictionary Definition of Cooling System</p> <p>Collins Dictionary Definition of Cooling System</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “watercraft comprises a cooling system” to be “apparatus employed to prevent the temperature of the electric motor from exceeding limits imposed by needs of safety and efficiency” based on a review of the intrinsic and extrinsic evidence.</p>
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<p>“winglets extending at an angle to a main body of the first hydrofoil wing”</p>	<p>14</p>	<p><u>Proposed Construction:</u></p> <p>No construction needed – plain and ordinary meaning. If the Court believes construction is required: an angled wing portion near the wingtip of the first hydrofoil wing that extends from the main body of the first hydrofoil wing</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 3, Ln. 57-67; Col. 5, Ln. 44-45; Col. 6, Ln. 63-65; Figures</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning</p>	<p><u>Proposed Constructions</u></p> <p>Winglets extending at an angle to a main body of the first hydrofoil wing: “small vertical foils separate from the main body of the first hydrofoil wing”</p> <p><u>Evidence</u></p> <p><u>‘044 Patent</u></p> <p>Figure 803</p> <p>3:57-4:3; 5:44-47; 6:63-7:6</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “Winglets extending at an angle to a main body of the first hydrofoil wing” to be “small vertical foils separate from the main body of the first hydrofoil wing” based on a review of the intrinsic and extrinsic evidence.</p>
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“directly or indirectly connected”	21	<p><u>Proposed Construction:</u></p> <p>No construction needed – plain and ordinary meaning</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 4, Ln. 48-51; Col. 5, Ln. 17-23; Col. 5, Ln. 24-29; Col. 5, Ln. 33-35; Figures</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning</p>	<p><u>Proposed Constructions</u></p> <p>Directly or indirectly connected: Indefinite or, in the alternative not limiting.</p> <p><u>Evidence</u></p> <p><u>‘044 Patent</u></p> <p>No support,</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “Directly or indirectly connected” to be indefinite or, in the alternative not limiting based on a review of the intrinsic and extrinsic evidence.</p>
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U.S. Patent No. 9,586,659

Claim Term	Claim #	Plaintiff’s Proposed Construction and Evidence in Support	Defendant’s Proposed Construction and Evidence in Support
“A passively stable, weight-shift controlled personal hydrofoil watercraft”	1	<p><u>Proposed Construction:</u></p> <p>A weight-shift controlled personal</p>	<p><u>Proposed Constructions</u></p> <p>Passively stable: Indefinite or, in the</p>

		<p>watercraft having a hydrofoil that does not have any moveable components and which when disturbed, has an initial tendency to return to its original condition and eventually returns to its initial condition</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 2, Ln. 7-28; Col. 2, Ln. 34-40; Col. 3, Ln. 66 - Col. 4, Ln. 9; Col. 4, Ln. 48-51; Col. 5, Ln. 47- Col. 7, Ln. 28; Prosecution History of the ‘044 Patent, Response to Aug. 17, 2015 Non-Final Office Action, p. 5-7; Prosecution History of the ‘044 Patent, Applicant-Initiated Interview Summary, November 12, 2015.</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning; John D. Anderson, Jr.,</p>	<p>alternative, “Having an initial tendency to return to its original condition when disturbed in pitch, yaw, and roll”</p> <p><u>Evidence</u></p> <p><u>‘659 Patent</u></p> <p>3:66 – 4:13; 6:7 – 7:28</p> <p><u>Hydrodynamics of High-Speed Marine Vehicles</u>, Odd M. Faltinsen</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “passively stable” to be indefinite or, in the alternative, “Having an initial tendency to return to its original condition when disturbed in pitch, yaw, and roll” based on a review of the intrinsic and extrinsic evidence.</p> <p><u>Proposed Constructions</u></p> <p>Weight-shift controlled: Indefinite</p>
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		<i>Introduction to Flight</i> (3 rd ed. 1989)	or, in the alternative, “Being able to control pitch, yaw, and roll of the watercraft via weight-shift of a user” <u>Evidence</u> <u>‘659 Patent</u> Abstract; 1:50 – 56; 2:12-40; 5:47 – 7:28 <u>‘044 File History</u> Pg, 609 - 612 Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “weigh- shift controlled” to be indefinite or, in the alternative, “Being able to control pitch, yaw, and roll of the watercraft via weight- shift of a user” based on a review of the intrinsic and extrinsic evidence.
“wherein a user can be disposed on the top surface of the flotation device in a prone,	1	<u>Proposed Construction:</u> Wherein a user can be disposed on the top surface of the flotation	<u>Proposed Constructions</u> Wherein a user can be disposed on the top surface of the flotation

kneeling, or standing position”		<p>device in each of the following positions: lying chest down; kneeling; or standing</p> <p><u>Intrinsic Evidence:</u></p> <p>Abstract; Fig. 1; Col. 3, Ln. 21-25; Col. 4, Ln. 43-51; Col. 8, Ln. 40-43.</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning</p>	<p>device in a prone, kneeling, or standing position: “prone, kneeling, or standing are alternatives, but only one of them is required”</p> <p><u>Evidence</u></p> <p><u>‘659 Patent</u></p> <p>Abstract; Figure 1 4:43 – 56;</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “Wherein a user can be disposed on the top surface of the flotation device in a prone, kneeling, or standing position” to be “wherein a user can be in a prone, kneeling, or standing position, but only one of them is required” based on a review of the intrinsic and extrinsic evidence.</p>
“the flotation device having a forward section, a	1	<u>Proposed Construction:</u>	<u>Proposed Constructions</u>

middle section, and a rear section”		<p>No construction needed – plain and ordinary meaning</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 3, Ln. 35-43; Fig. 1</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning</p>	<p>Having a forward section, a middle section, and a rear section: Indefinite or, in the alternative, “Having forward, middle, and rear sections defined by structural differences wherein the middle section includes the midpoint of the floatation device”</p> <p><u>Evidence</u></p> <p><u>‘659 Patent</u></p> <p>Figure 1 3:19-34</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “Having a forward section, a middle section, and a rear section” to be indefinite or, in the alternative, “Having forward, middle, and rear sections defined by structural differences wherein the middle section includes the midpoint of the floatation device”</p>
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			based on a review of the intrinsic and extrinsic evidence.
“a strut having a upper end and a lower end, the upper end fixedly interconnected with the flotation device between the middle section and the rear section of the flotation device”	1	<p><u>Proposed Construction:</u></p> <p>No construction needed – plain and ordinary meaning</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 3, Ln. 40-43; Figs. 1 and 3</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning</p>	<p><u>Proposed Constructions</u></p> <p>The upper end fixedly interconnected with the flotation device between the middle section and the rear section of the flotation device: Indefinite or, in the alternative, “Wherein the upper end of the strut is fixedly interconnected with the flotation device at a location between the middle section and the rear section but not connected to the middle section or the rear section of the flotation device”</p> <p><u>Evidence</u></p> <p><u>‘659 Patent</u></p> <p>Figure 1 3:40-43</p> <p>Cambridge Dictionary definition of between: “in or into the space that separates two</p>

			<p>places, people, or objects”</p> <p>Marriam-Webster Dictionary definition of between: “in the time, space, or interval that separates”</p> <p>Dictionary.com definition of between: “in the space separating (two points, objects, etc.)”</p> <p>Collins Dictionary definition of between: “If something is between two things or is in between them, it has one of the things on one side of it and the other thing on the other side”</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “The upper end fixedly interconnected with the flotation device between the middle section and the rear section of the flotation device” to be indefinite or, in the alternative, “Wherein the upper</p>
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			end of the strut is fixedly interconnected with the flotation device at a location between the middle section and the rear section but not connected to the middle section or the rear section of the flotation device” based on a review of the intrinsic and extrinsic evidence.
“fixedly interconnected”	1	<p><u>Proposed Construction:</u></p> <p>No construction needed – plain and ordinary meaning. If the Court believes construction is required: securely interconnected</p> <p><u>Intrinsic Evidence:</u></p> <p>Abstract; Col. 1, Ln. 57-61; Col. 3, Ln. 9-14; Col. 3, Ln. 32-35; Col. 3, Ln. 40-43; Col. 3, Ln. 58-62; Col. 4, Ln. 67-68; Col. 5, Ln. 14; Figures 1-4</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the</p>	<p><u>Proposed Constructions</u></p> <p>Fixedly interconnected: “Where the upper end of the strut is integrally formed or permanently interconnected with the flotation device”</p> <p><u>Evidence</u></p> <p>‘659 Patent</p> <p>Abstract Figure 1 5:7-14</p> <p>‘044 File History Pg, 609 - 612</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning</p>

		plain and ordinary meaning; https://www.merriam-webster.com/dictionary/fixedly	of one skilled in the relevant art for “Fixedly interconnected” to be “Where the upper end of the strut is integrally formed or permanently interconnected with the flotation device” based on a review of the intrinsic and extrinsic evidence.
“the watercraft having no movable steering system”	1	<p><u>Proposed Construction:</u></p> <p>No construction needed – plain and ordinary meaning</p> <p><u>Intrinsic Evidence:</u></p> <p>Abstract; Col. 1, Ln. 43-49; Col. 2, Ln. 7-12; Col. 2, Ln. 20-28; Col. 5, Ln. 47-51; Col. 5, Ln. 66-Col. 6, Ln. 6</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning</p>	<p><u>Proposed Constructions</u></p> <p>Watercraft having no movable steering system: Indefinite or, in the alternative, “A watercraft that does not have a moveable mechanism that effects directional control”</p> <p><u>Evidence</u></p> <p><u>‘659 Patent</u></p> <p>1:53 – 61; 4:50-51; 6:5 – 6</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “Watercraft having no movable steering</p>

			system” to be indefinite or, in the alternative, “A watercraft that does not have a moveable mechanism that effects directional control” based on a review of the intrinsic and extrinsic evidence.
“watertight compartment”	13	<p><u>Proposed Construction:</u></p> <p>No construction needed – plain and ordinary meaning</p> <p><u>Intrinsic Evidence:</u> Col. 3, Ln. 27-32</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning; https://www.merriam-webster.com/dictionary/watertight</p>	<p><u>Proposed Constructions</u></p> <p>Watertight: “of such tight construction or fit as to be impermeable to water except when under sufficient pressure to produce structural discontinuity”</p> <p><u>Evidence</u></p> <p><u>‘659 Patent</u></p> <p>3:27 – 32</p> <p>Mariam-Webster Definition of watertight “of such tight construction or fit as to be impermeable to water except when under sufficient pressure to produce structural discontinuity”</p>

			Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “Watertight” to be indefinite or, in the alternative, “of such tight construction or fit as to be impermeable to water except when under sufficient pressure to produce structural discontinuity” based on a review of the intrinsic and extrinsic evidence.
“watercraft comprises a cooling system for cooling the electric motor”	9	<p><u>Proposed Construction:</u></p> <p>No construction needed – plain and ordinary meaning</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 4, Ln. 62-67</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning</p>	<p><u>Proposed Constructions</u></p> <p>Watercraft comprises a cooling system for cooling the electric motor: “apparatus employed to keep the temperature of an electric motor from exceeding limits imposed by needs of safety and efficiency”</p> <p><u>Evidence</u></p> <p><u>‘659 Patent</u></p> <p>4:66-67</p>

			<p>Britannica Dictionary Definition of Cooling System</p> <p>Collins Dictionary Definition of Cooling System</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “watercraft comprises a cooling system for cooling the electric motor” to be “apparatus employed to keep the temperature of an electric motor from exceeding limits imposed by needs of safety and efficiency” based on a review of the intrinsic and extrinsic evidence.</p>
“directly or indirectly connected”	15	<p><u>Proposed Construction:</u></p> <p>No construction needed – plain and ordinary meaning</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 4, Ln. 59-63; Col. 5, Ln. 28-34; Col. 5, Ln.</p>	<p><u>Proposed Constructions</u></p> <p>Directly or indirectly connected: Indefinite or, in the alternative not limiting.</p> <p><u>Evidence</u></p> <p><u>‘659 Patent</u></p>

		<p>35-40; Col. 5, Ln. 44-46; Figures</p> <p><u>Potential Extrinsic Evidence:</u></p> <p>Declaration from a person of ordinary skill in the art regarding the plain and ordinary meaning</p>	<p>No support,</p> <p>Defendant may rely on expert testimony to confirm that the plain and ordinary meaning of one skilled in the relevant art for “Directly or indirectly connected” to be indefinite or, in the alternative not limiting based on a review of the intrinsic and extrinsic evidence.</p>
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