

APPENDIX A

STI Term No.	Patent and Claim(s)	Claim Term/Phrase	STI's Proposed Construction	Hilti's Proposed Construction
1	U.S. Pat. No. 10,267,036 Claim 1	"connection element"	"a component that is connected to at least one other discrete component" <u>Intrinsic Evidence</u>¹ <i>See</i> '036 patent at 10:5-16 and Figs. 1a-1c; Prosecution History of '036 patent, Supplemental Reply to Office Action of December 19, 2018 at 3-9.	This term should be construed according to its plain meaning, as informed by the intrinsic record, which is "the area on the joint sealing tape which is located between and connects the at least two sealing elements, formed as one-piece with the at least two sealing elements or separately from the at least two sealing elements." If this term is not construed according to its plain and ordinary meaning, it should be construed as Hilti proposes based on the intrinsic record. <u>Intrinsic evidence</u>²

¹ STI's reference to figures is intended to include reference to corresponding description, and reference to description is intended to include corresponding figures. To the extent Hilti has identified portions of the intrinsic record, which have not been identified by STI, STI may rely on such portions of the intrinsic record as identified by Hilti.

² Hilti's reference to figures is intended include reference to corresponding description, and reference to description is intended to include corresponding figures. To the extent STI has identified portions of the intrinsic record, which have not been identified by Hilti, Hilti may rely on such portions of the intrinsic record as identified by STI.

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				Figs. 1a-1c, 2a-2c, 3a-3b, 4a-4c, 5a-5b; Fig. 6. 2:58-67; 5:7-67; 6:64-7:5; 8:21-9:67; 10:5-16; 10:61-11:7; 13:47-15:63 Supplemental Reply to Office Action dated December 18, 2018 at 3-9; Final Office Action dated September 19, 2018 at 2-6; Final Office Action dated August 27, 2018 at 2-6; Response to Non-Final Office Action dated June 13, 2017 at 7-9; Non-Final Office Action dated March 12, 2018, at 3-6 Claims 1, 3, 4, and 11.
2	U.S. Pat. No. 10,267,036 Claim 1	“sealing element”	The claim limitation “at least two sealing elements” invokes 35 U.S.C § 112(f) and means: “A discrete component that has the following attributes to accomplish the function of	This claim limitation does not invoke 35 U.S.C. § 112(f). This term should be construed according to its plain meaning, as informed by the intrinsic record, which is “an area on the joint sealing tape positioned at an outer edge of the

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			“sealing”: 1) made from a deformable material that resumes its shape after compression and 2) has a cross section that is one of the following geometric shapes: round, oval, polygonal, square, rectangular, parallelogram, triangular, or rectangular with rounded corners.” <u>Intrinsic Evidence:</u> ‘036 patent at 4:25-51; 6:1-6; 6:17-63; 7:6-33; 13:47-57; 14:1-11; 14:24-35; 14:47-58; 15:16-26.	connection element for sealing a joint.” If this term is not construed according to its plain and ordinary meaning, it should be construed as Hilti proposes based on the intrinsic record. If construed according to § 112(f): <u>Function:</u> sealing a joint <u>Structure:</u> a deformable material that either: a) does not return to its original shape after deformation or b) returns to its original shape after the deformation, and equivalents <u>Intrinsic evidence</u> Figs. 1a-1c, 2a-2c, 3a-3b, 4a-4c, 5a-5b, Fig. 6. 2:58-67; 4:23-36-51; 5:6-.

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				7:33; 8:29-9:2; 10:5-11:6; 11:21-12:55; 13:47-15:63. Claims 1, 2, 6, 7 and 11.
3	U.S. Pat. No. 10,267,036 Claim 1	“at a distance from and next to one another”	This claim limitation renders claim 1 indefinite under 35 U.S.C. § 112(b).	Not indefinite. <u>Intrinsic evidence</u> Figs. 1a-1c, 2a-2c, 3a-3b, 4a-4c, 5a-5b; 6. Abstract, 2:58-67; 5:7-14; 5:42-49. March 12, 2018 Office Action at 3-4; August 27, 2018 Office Action at 2.
4	U.S. Pat. No. 10,267,036 Claim 1	“the perforation is . . . configured to improve ease of separation of two halves of the joint sealing tape”	This claim limitation renders claim 1 indefinite under 35 U.S.C. § 112(b).	Not indefinite. <u>Intrinsic evidence</u> Fig. 1b, 2b, 3b, 4b, 5b 5:50-61; 10:61-11:6; 13:60-65; 14:16-23; 14:39-46; 14:64-15:14; 15:31-37.

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				November 2, 2018, Amendment and Request for Reconsideration at, e.g., 2-4; December 19, 2018, Supplemental Response and Request for Reconsideration at, e.g., 2-3
5	U.S. Pat. No. 10,267,036 Claim 11	“the sealing elements and the connection element consist of one material in one piece, and are sheathed with a plastic film”	This claim limitation renders claim 1 indefinite under 35 U.S.C. § 112(b). Alternatively, this limitation means: “individually the first sealing element consists of one material in one piece and is sheathed with a plastic film, the second sealing element consists of one material in one piece and is sheathed with a plastic film, and the connection element consists of one material in one piece and is sheathed with a plastic film”	Not indefinite. This term should be construed according to its plain meaning, as informed by the intrinsic record, which is “the sealing elements and the connection element (x) consist of one material in one piece, and (y) are sheathed with a plastic film.” If this term is not construed according to its plain and ordinary meaning, it should be construed as Hilti proposes based on the intrinsic record. <u>Intrinsic evidence</u>

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			<u>Intrinsic Evidence:</u> '036 patent at 6:64-67.	Figs. 1a-1c, 2a-2c, 3a-3b, 4a-4c, 5a-5b. 8:29-31; 8:35-37; 8:65-9:2; 10:5-16; 13:54-56; 14:8-10; 14:32-33; 14:55-56; 15:23-25.
6	U.S. Pat. No. 10,774,528 Claims 1, 12	"connection section"	"a component that is connected to at least one other discrete component" <u>Intrinsic Evidence:</u> '528 patent at 10:7-18 and Figs. 1a-1c	This term should be construed according to its plain meaning, as informed by the intrinsic record, which is "the area on the joint sealing tape which is located between and connects the first sealing section and the second sealing section, formed as one-piece with the first sealing section and second sealing section or separately from the first sealing section and second sealing section." If this term is not construed according to its plain and ordinary meaning, it should be construed as Hilti proposes based on the intrinsic record.

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				<u>Intrinsic evidence</u> Figs. 1a-1c, 2a-2c, 3a-3b, 4a-4c, 5a-5b Fig. 6. 2:61-3:3; 5:7-66; 7:1-9; 8:24-10:2; 10:7-18; 10:61-11:8; 13:50-15:65. Response to Non-Final Office Action dated March 11, 2019 at 6-9; Non-Final Office Action dated November 15, 2019 at 3-6. Claims 1 and 9.
7	U.S. Pat. No. 10,774,528 Claims 1, 12	"sealing section"	The claim limitation "sealing section" invokes 35 U.S.C. § 112(f) and means: "A discrete component that has the following attributes to accomplish the function of "sealing": 1) made from a deformable material that resumes its shape after	This claim limitation does not invoke 35 U.S.C. § 112(f). This term should be construed according to its plain meaning, as informed by the intrinsic record, which is "an area on the joint sealing tape positioned at an outer edge of the connection section for sealing a joint."

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			compression and 2) has a cross section that is one of the following geometric shapes: round, oval, polygonal, square, rectangular, parallelogram, triangular, or rectangular with rounded corners.” <u>Intrinsic Evidence:</u> ‘528 patent at 4:28-54, 6:4-9, 6:21-67, 7:10-37, 13:50-60, 14:4-14, 14:27-38, 14:50-61, 15:18-28.	If this term is not construed according to its plain and ordinary meaning, it should be construed as Hilti proposes based on the intrinsic record. If construed according to § 112(f): <u>Function:</u> sealing a joint <u>Structure:</u> a deformable material that either: a) does not return to its original shape after deformation or b) returns to its original shape after the deformation, and equivalents <u>Intrinsic evidence</u> Figs. 1a-1c, 2a-2c, 3a-3b, 4a-4c, 5a-5b. 2:61-3:3; 4:26-39-54; 5:10-7:37; 8:32-5; 10:7-11:8; 11:22-12:57; 13:50-15:65.

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				Claims 1, 2, and 9.
8	U.S. Pat. No. 10,774,528 Claims 1, 12	"coupled to"	"connected to" <u>Intrinsic Evidence:</u> '528 patent at 10:7-18 and Figs. 1a-1c	This term should be construed according to its plain meaning, as informed by the intrinsic record, which is "connected to as one-piece with or separately from" If this term is not construed according to its plain and ordinary meaning, it should be construed as Hilti proposes based on the intrinsic record. <u>Intrinsic evidence</u> Figs. 1a-1c, 2a-2c, 3a-3b, 4a-4c, 5a-5b; 8:32-34; 8:38-40; 9:1-5; 10:7-18; 13:57-59; 14:11-13; 14:35-36; 14:58-59; 15:25-27. Claims 1 and 9.
9	U.S. Pat. No. 10,610,711	"modular construction"/ "modular frame"	"constructed of a few common parts that can be configured in diverse ways"/	This term should be construed according to its plain meaning, as informed by the intrinsic record,

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	Claim 1 U.S. Pat. No. 10,596,399 Claim 1		“a frame constructed of a few common parts that can be configured in diverse ways” <u>Intrinsic Evidence:</u> ‘711 patent at 1:39-41 ‘399 patent at 1:45-47	which is “multipart construction”/ “multipart frame” If this term is not construed according to its plain and ordinary meaning, it should be construed as Hilti proposes based on the intrinsic record. <u>Intrinsic evidence</u> ’711 patent 1:36-50; 4:22-31; Fig.1; Fig. 2; Figs. 3a-3d; 5:41-47; 6:1-25; Final Office Action dated August 2, 2019 at 3-4; Notice of Allowance at 2. ’399 Patent, Non-Final Office Action dated September 27, 2019 at 2-3; ’399 Patent, Response to Non-Final Office Action dated June 12, 2019 at 4-5 ’399 patent

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				1:42-56; 4:29-37; Fig. 1; Fig. 2; Figs. 3a-3d; 4:49-62; 5:47-53; 6:7-35; Non-Final Office Action dated September 27, 2019 at 2-3; Response to Non-Final Office Action dated June 12, 2019 at 4-5
10	U.S. Pat. No. 10,641,417 Claim 1	“the first intumescent material”	This claim limitation renders claim 1 indefinite under 35 U.S.C. § 112(b).	Not indefinite. <u>Intrinsic evidence</u> Claim 1 Figs. 1-2d 4:40-5:48 January 17, 2020 Amendment and Request for Reconsideration at, e.g., 4-6.
11	U.S. Pat. No. 10,641,417 Claim 1	“the first and second intumescent materials”	This claim limitation renders claim 1 indefinite under 35 U.S.C. § 112(b).	Not indefinite. <u>Intrinsic evidence</u>

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				Claim 1 Figs. 1-2d 4:40-5:48 Prosecution History January 17, 2020 Amendment and Request for Reconsideration at, e.g., 4-6
12	U.S. Pat. No. 11,137,091 Claim 1	"first direction"	"a downward pointing direction extending along a y-axis" <u>Intrinsic Evidence:</u> Prosecution History of '091 patent, Reply to an Office Action of December 10, 2020, at p. 5.	This term should be construed according to its plain meaning, as informed by the intrinsic record, which is "a direction different than the second direction." If this term is not construed according to its plain and ordinary meaning, it should be construed as Hilti proposes based on the intrinsic record. <u>Intrinsic evidence</u>

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				Claims 1 and 2. 1:63-2:10; 2:19-24; 3:53-60; 5:9-6:19 October 18, 2019 Office Action at, e.g., 2-3. January 17, 2020 Amendment and Request for Reconsideration at, e.g., 4-6
13	U.S. Pat. No. 11,137,091 Claim 1	"second direction"	"a direction extending along an x-axis from the front of the device to the back of the device closest to the wall or ceiling" <u>Intrinsic Evidence:</u> Prosecution History of '091 patent, Reply to an Office Action of December 10, 2020, at p. 5.	This term should be construed according to its plain meaning, as informed by the intrinsic record, which is "a direction through which a building feature passes." If this term is not construed according to its plain and ordinary meaning, it should be construed as Hilti proposes based on the intrinsic record. Claims 1 and 2.

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				1:63-2:10; 2:19-24; 3:53-60; 5:9-6:19 10,641,417 -October 18, 2019 Office Action at, e.g., 2-3. January 17, 2020 Amendment and Request for Reconsideration at, e.g., 4-6.

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1	U.S. Pat. No. 9,157,232 Claim 6, preamble	“an adjustable head-of-wall insulating construction for sealing a head-of-wall area between a ceiling thereabove and a wall configuration therebelow which is wider than standard	This portion of the preamble is not indefinite, not limiting, and does not need to be construed. However, should the Court find that it needs to be construed, it should be construed as: “a gasket for sealing an area between a ceiling and a wall that can be used with a ceiling track that	Indefinite because the preamble is limiting and includes the term “wider than standard.” If not indefinite, the preamble is limiting and this term should be construed according to its plain meaning, as informed by the intrinsic record, which is “a head-of-wall insulating construction configured for

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		and which includes a ceiling track”	makes use of enlarged sized studs or has multiple stud construction such as double studded walls.” The word “adjustable” within this preamble phrase is not limiting and does not need to be construed. To the extent it is found limiting, it should be construed according to its plain meaning. Intrinsic Evidence: ’232 Patent at 6:11-23; 6:31-54; 10:29-42; 11: 23-40.	use in sealing the outermost track side section on each side of a head-of-wall area between a ceiling thereabove and a wall configuration therebelow, which is adjustably variable in lateral dimension to accommodate wider than standard ceiling tracks (i.e., wider in lateral dimensions than a typical commercially available ceiling track).” If this term is not construed according to its plain and ordinary meaning, it should be construed as Hilti proposes based on the intrinsic record. <u>Intrinsic evidence</u> Fig. 1a, Fig. 7 1:45-50; 4:41-43; 5:4-12; 6:11-40; 10:29-42; 11:16-12:16 Non-Final Office Action dated October 15, 2014 at 2, 4-6; Response to Non-Final Office Action dated April

Hilti Term No.	Patent and Claim(s)	Claim Term/Phrase	STI's Proposed Construction	Hilti's Proposed Construction
				1, 2015 at 4, 10-11. Non-Final Office Action dated October 15, 2014 at 2-11; Response to Non-Final Office Action dated April 1, 2015 at 4, 10-11
2	U.S. Pat. No. 9,157,232 Claim 6, element (E)	“at least one connecting strap positioned above the main track section of the ceiling track”	Plain meaning – no construction necessary. <u>Intrinsic Evidence:</u> '232 Patent at 10: 29-42; 11: 23-40.	“at least one connecting strap, which is removably detachable from the L shaped gasket sections and selected from connecting straps of various different lengths, positioned above the main track section of the ceiling track.” <u>Intrinsic evidence</u> Figs. 1a, 1b , 2a, 2b, 3, 9 4:28-50; 5:4-12; 7:10-23; 10:29-11: 40 Provisional at 25; Non-Final Office Action dated October 14, 2014 at 2-6; Response to Non-Final Office Action dated April 1, 2015 at 1-11; Terminal Disclaimer dated April 1, 2015.

Hilti Term No.	Patent and Claim(s)	Claim Term/Phrase	STI's Proposed Construction	Hilti's Proposed Construction
3	U.S. Pat. No. 9,157,232 Claim 6, element (E)	“and attached to said first L-shaped gasket section and to said second L-shaped gasket section to limit spatial separation therebetween.”	Plain meaning – no construction necessary.	This term should be construed according to its plain meaning, as informed by the intrinsic record, which is “and attached to said first L-shaped gasket section and to said second L-shaped gasket section to limit spatial separation therebetween when the gasket is positioned on the track.” If this term is not construed according to its plain and ordinary meaning, it should be construed as Hilti proposes based on the intrinsic record. <u>Intrinsic evidence</u> Figs. 1a, 1b , 2a, 2b, 3, 9 4:28-50; 7:10-23; 10:29-11:40; Provisional at 25; Non-Final Office Action dated October 15, 2014 at 2-6; Response to Non-Final Office Action dated April 1, 2015 at 1-11; Terminal Disclaimer dated April 1, 2015.

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4	U.S. Pat. No. 9,157,232 Claim 8	"spatially disposed"	Not indefinite. Plain meaning – no construction necessary, or alternatively, "relative to a position." <u>Intrinsic Evidence:</u> '232 Patent at 5:32-35; 7:31-34, claim 1	Indefinite. If not indefinite, this term should be construed according to its plain meaning, as informed by the intrinsic record, which is "spatially disposed from the entirety of the first and second side track sections." If this term is not construed according to its plain and ordinary meaning, it should be construed as Hilti proposes based on the intrinsic record. <u>Intrinsic evidence</u> 8:52-9:12.
5	U.S. Pat. No. 9,157,232 Claim 11	"insulating material which includes an acoustical insulating component therewithin"	Plain meaning – no construction necessary, or alternatively, "material with insulating properties that includes the ability to reduce the transmission of sound."	This term should be construed according to its plain meaning, as informed by the intrinsic record, which is "a material that is specifically adapted to provide acoustical insulating properties."

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			<u>Intrinsic Evidence:</u> '232 Patent at 1:18-22; 4:56-59; 6:11-15; 6:28-31; 6:55-60; 7:39-42; 9:19-41.	If this term is not construed according to its plain and ordinary meaning, it should be construed as Hilti proposes based on the intrinsic record. <u>Intrinsic evidence</u> 6:26-28
6	U.S. Pat. No. 10,143,868 Claims 1 and 9	"moveable relative to one another"	Plain meaning – no construction necessary.	This term should be construed according to its plain meaning, as informed by the intrinsic record, which is "moveable in a defined relationship to one another" If this term is not construed according to its plain and ordinary meaning, it should be construed as Hilti proposes based on the intrinsic record. <u>Intrinsic evidence</u> Figs. 3, 6 10, 11, 18

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				4:1-5:12; Notice of Allowance dated July 27, 2018, including specifically the Examiner's Amendment; Non-Final Office Action dated January 26, 2018 at 3-11; Response to Non-final Office Action dated June 26, 2018, at 2-13.
7	U.S. Pat. No. 10,143,868 Claim 1	"the housing including first and second housing members which are completely detachable from one another and moveable relative to one another between an assembled condition wherein the first and second housing members are interconnected and the wall surface is substantially continuous about the internal chamber, and	Plain meaning – no construction necessary.	"the housing including first and second housing members which are completely detachable from one another and moveable relative to one another while not completely detached between an assembled condition wherein the first and second housing members are interconnected and the wall surface is substantially continuous about the internal chamber, and an open condition wherein at least a portion of the first and second housing members are spaced from one another such that at least a portion of the wall surface is non-contiguous to define an opening into the internal

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		an open condition wherein at least a portion of the first and second housing members are spaced from one another such that at least a portion of the wall surface is non-contiguous to define an opening into the internal chamber”		chamber such that the firestopping apparatus device can be positioned the opening in the housing can be positioned about a sleeve, cables, or conduits and returned to the assembled condition.” <u>Intrinsic evidence</u> Figs. 3, 6 10, 11, 18 3:5-16; 4:1-5:12; 5:-50; Notice of Allowance dated July 27, 2018, including specifically the Examiner’s Amendment; Non-Final Office Action dated January 26, 2018 at 3-11; Response to Non-final Office Action dated June 26, 2018, at 2-13.
8	U.S. Pat. No. 10,143,868 Claim 9	“the housing including first and second housing members which are moveable relative to one another between an assembled	Plain meaning – no construction necessary.	This term should be construed according to its plain meaning, as informed by the intrinsic record, which is “the housing including first and second housing members which are moveable relative to one another

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		condition wherein the first and second housing members are interconnected and the wall surface is substantially continuous about the internal chamber, and an open condition wherein at least a portion of the first and second housing members are spaced from one another such that at least a portion of the wall surface is non-contiguous to define an opening into the internal chamber”		between an assembled condition wherein the first and second housing members are interconnected and the wall surface is substantially continuous about the internal chamber, and an open condition wherein at least a portion of the first and second housing members are spaced from one another such that at least a portion of the wall surface is non-contiguous to define an opening into the internal chamber such that the opening in the housing can be positioned about a sleeve, cables, or conduits and returned to the assembled condition.” If this term is not construed according to its plain and ordinary meaning, it should be construed as Hilti proposes based on the intrinsic record. <u>Intrinsic evidence</u> Figs. 3, 6 10, 11, 18

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				3:5-16; 4:1-50
9	U.S. Pat. No. 10,143,868 Claim 1	"front and rear panels"	Plain meaning – no construction necessary, or alternatively, "front layer and rear layer that are physically distinct from other components of the housing." <u>Intrinsic Evidence:</u> '868 Patent at 3:34-39; 4:59-61; 5:1-12; 5:51-58; Figs. 3-18.	"front and rear panels configured to be installed on the same side of a wall" <u>Intrinsic evidence</u> 3:34-49; Response to Non-Final Office Action dated June 26, 2018 at 2-13; Non-Final Office Action dated January 26, 2018 at 3-11.
10	U.S. Pat. No. 10,143,868 Claims 1 and 9	"panel(s)"	No construction necessary. To the extent the term is construed, it should be construed as its plain meaning or alternatively, "layer that is physically distinct from other components of the housing."	This term should be construed according to its plain and ordinary meaning, which includes both a panel that is physically distinct from and/or integrally connected to the housing. If this term is not construed according to its plain and ordinary meaning, it

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			<u>Intrinsic Evidence:</u> '868 Patent at 3:34-39; 4:59-61; 5:1-12; 5:51-58; Figs. 3-18.	should be construed as Hilti proposes based on the intrinsic record. <u>Intrinsic evidence</u> Abstract; 1:58-62; 3:34-59; 4:1-5:12; 6:7-16; Figs. 3-18; Response to Non-Final Office Action dated June 26, 2018 at 2-13; Non-Final Office Action dated January 26, 2018 at 3-11
11	U.S. Patent No. 10,267,036	Preamble	Not limiting	Limiting
12	U.S. Patent No. 10,774,528	Preamble	Not Limiting	Limiting