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BizLink International Corp.*

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ANDERSON POWER PRODUCTS,
INC.,

Plaintiff,

v.

BIZLINK TECHNOLOGY, INC.,
BIZLINK HOLDING INC., BIZLINK
INTERNATIONAL CORP.,

Defendants.

CASE NO. 3:23-cv-05436

**JOINT CLAIM CONSTRUCTION
AND PREHEARING STATEMENT**

JURY TRIAL DEMANDED

Pursuant to Patent Local Rule 4-3 and the Court’s scheduling order in this action, Plaintiff Anderson Power Products, Inc. (“Plaintiff” or “Anderson”) and Defendants BizLink Technology, Inc., BizLink Holding, Inc., and BizLink International Corp. (collectively, “BizLink” or “Defendants”), by and through their respective undersigned counsel, hereby submit the following Joint Claim Construction and Prehearing Statement concerning U.S. Patent No. 8,808,017 (“the ’017 patent”).

A. Patent L.R. 4-3(a): Agreed Upon Terms For Construction

The parties exchanged several claim terms and agreed that no claim construction is necessary except for the disputed ones identified in Section B below.

B. Patent L.R. 4-3(b): Disputed Terms

Attached hereto as **Exhibit A** is a table setting forth the parties’ proposed constructions for each disputed claim term, together with references from the specification and prosecution history that support those constructions and an identification of extrinsic evidence on which each party intends to rely. The parties reserve the right to rely on any evidence identified by any other party either to support their proposed constructions and/or to oppose another party’s proposed construction.

C. Patent L.R. 4-3(c): Terms Most Significant To Resolution Of The Case

The parties identify, in no particular order, the three terms listed in Exhibit A as the terms whose constructions will be most significant to the resolution of this case. BizLink contends that the construction of the claim phrase “thereby blocking substantially all through-air arcing paths between the first and second electrical contacts” of claim 1 of the ’017 Patent is case dispositive.

D. Patent L.R. 4-3(d): Anticipated Length Of Hearing

The parties anticipate that they will need a total of three to four hours for the claim construction hearing, including the technology tutorial.

E. Patent L.R. 4-3(e): Witnesses To Be Called At Hearing

The parties do not intend to call live witnesses at the claim construction hearing.

F. Patent L.R. 4-3(f): Factual Findings Requested from The Court

The parties are not requesting any factual findings from the Court.

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1 DATED: September 24, 2024

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ATTESTATION

Pursuant to Civ. Local Rule 5.1(i)(3) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from counsel for Defendants BizLink Technology, Inc., BizLink Holding, Inc., and BizLink International Corp.

By /s/ Benjamin P. Gilford

EXHIBIT A

Joint Claim Construction Chart
United States District Court, Northern District of California
Case No. 3:23-cv-05436

TERM/LIMITATION	PLAINTIFF'S PROPOSED CONSTRUCTION	DEFENDANTS' PROPOSED CONSTRUCTION
“[a/the] [first/second] insulating [housing / barrier / barriers]” [claims 1 and 4]	<u>Proposed Construction</u> Electrically insulating [housing / barrier / barriers] <u>Intrinsic Evidence</u> ‘017 patent at Abstract, FIG. 1B, FIGS. 2A-B, 1:6-8, 1:42-51, 1:55-2:3, 2:42-44, 3:2-6, 3:13-17, 3:30-40, 3:63-4:10, claim 1, claim 17 ‘017 patent prosecution history at 7/17/14 Notice of Allowance Patents and applications cited on the face of the ‘017 patent: US Patent No. 3,474,386 at 3:20-26, 3:51-55; US Patent No. 3,534,322 at 2:28-30; US Patent No. 3,586,802 at 2:11-19, claim 1; US Patent No. 3,835,439 at 3:41-46; US Patent No. 3,949,343 at 3:41-46, claims 1-7; US Patent No. 4,113,339 at 3:51-57 <u>Extrinsic Evidence</u> Merriam-Webster Unabridged Dictionary definition of “insulator” Merriam-Webster Unabridged Dictionary definition of “insulating” PC Mag definition of “insulator” CircuitBread definition of “insulator” Merriam-Webster definition of “insulator” Dictionary.com definition of “insulator”	<u>Proposed Construction</u> Plain and ordinary meaning, such as “protecting [housing / barrier / barriers]”. <u>Intrinsic Evidence</u> ‘017 patent at 1:58-63, 3:2-6, FIGS. 3A, 4A <u>Extrinsic Evidence</u> Definition of “housing” available at https://www.merriam-webster.com/dictionary/housing Definition of “insulate” available at https://www.merriam-webster.com/dictionary/insulate Merriam-Webster’s Collegiate Dictionary definitions of “housing” and “insulate” Random House Webster’s College Dictionary (2000) definitions of “housing” and “insulate” The American Heritage College Dictionary definitions of “housing” and “insulate” Webster’s New World Large Print Dictionary definitions of “housing” and “insulate” Random House Webster’s College Dictionary (2001) definitions of “housing” and “insulate”

TERM/LIMITATION	PLAINTIFF'S PROPOSED CONSTRUCTION	DEFENDANTS' PROPOSED CONSTRUCTION
“thereby blocking substantially all through-air arcing paths between the first and second electrical contacts” [claim 1]	<u>Proposed Construction</u> Plain and ordinary meaning <u>Intrinsic Evidence</u> ’017 patent at Abstract, 1:55-2:3, 3:18-48, 3:60-4:5, claims 1, 17 ’017 patent prosecution history at 7/17/14 Notice of Allowance	<u>Proposed Construction</u> “thereby closing off substantially all through-air arcing paths between the first and second electrical contact” <u>Intrinsic Evidence</u> ’017 patent at Abstract, 1:6-8, 1:64-2:3, 2:55-63, 3:13-17 Patent Owner Preliminary Response in IPR2024-00687, Paper No. 6 at 23, 34 (August 29, 2024) <u>Extrinsic Evidence</u> Definition of “blocking” available at https://www.merriam-webster.com/dictionary/blocking Merriam-Webster’s Collegiate Dictionary definition of “block” Random House Webster’s College Dictionary (2000) definition of “block” The American Heritage College Dictionary definition of “blocking” Random House Webster’s College Dictionary (2001) definition of “block”
“contact tensioning mechanism” and “barrier tensioning mechanism” [claims 2-4]	<u>Proposed Construction</u> Plain and ordinary meanings, with the clarification that the “contact tensioning mechanism” and the “barrier tensioning mechanism” must be separate structures <u>Intrinsic Evidence</u> ’017 patent at FIGS. 2A-B, FIG. 3B, FIG. 4B, FIGS. 5A-B, 2:62-3:2, 3:10-12, 3:30-40, claims 2-4, claims 15-16, claim 18	<u>Proposed Construction</u> No construction necessary. Plain and ordinary meaning. Defendants disagree with Plaintiff’s position that the “contact tensioning mechanism” and the “barrier tensioning mechanism” must be separate structures. <u>Intrinsic Evidence</u> ’017 patent at 2:62-3:12, 3:30-40, FIGS. 1B, 2A-B, 3B, 4B. 5A-B, claims 2-4, 15, 16, 18

TERM/LIMITATION	PLAINTIFF'S PROPOSED CONSTRUCTION	DEFENDANTS' PROPOSED CONSTRUCTION
		<u>Extrinsic Evidence</u> Definition of “tensioning” available at https://www.merriam-webster.com/dictionary/tensioning Merriam-Webster’s Collegiate Dictionary definition of “tensioning” Random House Webster’s College Dictionary definition of “tension” The American Heritage College Dictionary definition of “tension”