IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ABBOTT DIABETES CARE INC. and ABBOTT DIABETES CARE LIMITED, Plaintiffs, v. DEXCOM, INC., Defendant.	)	C.A. No. 23-239 (KAJ)
DEXCOM, INC., Counterclaim-Plaintiff, v. ABBOTT DIABETES CARE INC. and ABBOTT DIABETES CARE SALES CORP., Counterclaim-Defendants.	)	

JOINT CLAIM CONSTRUCTION CHART

Pursuant to Paragraphs 11 and 12.a of the Court's Amended Scheduling Order (D.I. 618), Plaintiffs and Counterclaim-Defendants Abbott Diabetes Care Inc., Abbott Diabetes Care Limited and Abbott Diabetes Care Sales Corp. ("Abbott") and Defendant and Counterclaim-Plaintiff DexCom, Inc. ("DexCom") submit their Joint Claim Construction Chart attached as Exhibit 1, which identifies the term(s)/phrase(s) of the claim(s) in issue and each party's proposed constructions of the disputed claim language with citation(s) to the intrinsic evidence in support

of their respective proposed constructions. Copies of the patents in issue[1] as well as those portions of the intrinsic record relied upon are attached as exhibits as follows:

Exhibit 1:	Joint Claim Construction Chart
Exhibit 2:	U.S. Patent No. 11,202,591 ("the '591 patent")
Exhibit 3:	U.S. Patent No. 11,266,335 ("the '335 patent")
Exhibit 4:	U.S. Patent No. 11,298,056 ("the '056 patent")
Exhibit 5:	U.S. Patent No. 9,119,528 ("the '528 patent")
Exhibit 6:	U.S. Patent No. 9,801,541 ("the '541 patent")
Exhibit 7:	U.S. Patent No. 10,709,364 ("the '364 patent")
Exhibit 8:	U.S. Patent No. 11,002,031 ("the '031 patent")
Exhibit 9:	U.S. Patent No. 11,213,204 ("the '204 patent")
Exhibit 10:	U.S. Patent No. 11,510,625 ("the '625 patent")
Exhibit 11:	Excerpts from the prosecution history file of the '591 patent
Exhibit 12:	Excerpts from the prosecution history file of the '335 patent
Exhibit 13:	Excerpts from the prosecution history file of the '056 patent
Exhibit 14:	Excerpts from the prosecution history file of the '528 patent
Exhibit 15:	Excerpts from the prosecution history file of the '541 patent
Exhibit 16:	Excerpts from the prosecution history file of the '364 patent
Exhibit 17:	Excerpts from the prosecution history file of the '031 patent
Exhibit 18:	Excerpts from the prosecution history file of the '204 patent
Exhibit 19:	Excerpts from the prosecution history file of the '625 patent
Exhibit 20:	Petition, DexCom, Inc. v. Abbott Diabetes Care Inc., IPR2023-01409 (PTAB) ("'591 Petition")

[1] Neither party seeks to construe any terms in the asserted claims of DexCom's U.S. Patent No. 10,375,222 ("the '222 patent").

Exhibit 21:	Petition, DexCom, Inc. v. Abbott Diabetes Care Inc., IPR2023-01396 (PTAB) ("'335 Petition (1)")
Exhibit 22:	Petition, DexCom, Inc. v. Abbott Diabetes Care Inc., IPR2023-01397 (PTAB) ("'335 Petition (2)")
Exhibit 23	IPR2022-00909, Paper 38 ("'215 FWD")
Exhibit 24	IPR2022-00909, Paper 20 ("'215 POR")
Exhibit 25	IPR2022-00909, Paper 28 ("'215 PO Surreply")
Exhibit 26	U.S. Patent No. 10,702,215 ("'215 Patent")
Exhibit 27	Excerpts from the prosecution history file of U.S. Patent Application No. 16/457,628 ("the '628 app.")
Exhibit 28	Excerpts from the prosecution history file of U.S. Patent No. 9,603,557 ("the '557 patent")
Exhibit 29	IPR2022-00913, Paper 44 ("the '213 FWD (1)")
Exhibit 30	IPR2022-00913, Paper 24 ("the '213 POR (1)")
Exhibit 31	IPR2022-00914, Paper 45 ("the '213 FWD (2)")
Exhibit 32	IPR2022-00914, Paper 24 ("the '213 POR (2)")
Exhibit 33	IPR2022-00921, Paper 45 ("the '642 FWD (1)")
Exhibit 34	U.S. Provisional Appl. 62/658,486
Exhibit 35	IPR2022-00922, Paper 42 ("the '642 FWD (2)")
Exhibit 36	D.I. 662, Joint Claim Construction Chart, DexCom, Inc. v. Abbott Diabetes Care, Inc., Case No. 22-605-KAJ, Exs. 1-4, 8, 12-15, 20-23, 25, 27-32, 40-41, 47-65 (D. Del. Feb. 9, 2024)
Exhibit 37	Petition, Abbott Diabetes Care Inc. v. DexCom Inc., IPR2022-00913 (PTAB 2022) ("'213 Petition (1)")
Exhibit 38	Patent Owner's Preliminary Response, Abbott Diabetes Care Inc. v. DexCom Inc., IPR2022-00913 (PTAB 2022) ("'213 POPR (1)")
Exhibit 39	Exhibit 2010, Abbott Diabetes Care Inc. v. DexCom Inc., IPR2022-00913 (PTAB 2022) ("'213 Baura Declaration")

Exhibit 40	Institution Decision, Abbott Diabetes Care Inc. v. DexCom Inc., IPR2022-00913 (PTAB 2022) ("'213 ID (1))
Exhibit 41	Patent Owner's Surreply ISO Patent Owner's Response, Abbott Diabetes Care Inc. v. DexCom Inc., IPR2022-00913 (PTAB 2023) ("'213 PO Surreply")
Exhibit 42	Petition, Abbott Diabetes Care Inc. v. DexCom Inc., IPR2022-00921 (PTAB 2023) ("'642 Petition (1)")
Exhibit 43	Patent Owner Preliminary Response, Abbott Diabetes Care Inc. v. DexCom Inc., IPR2022-00921 (PTAB 2023) ("'642 POPR (1)")
Exhibit 44	Exhibit 2010, Abbott Diabetes Care Inc. v. DexCom Inc., IPR2022-00922 (PTAB 2023) ("'642 Baura Declaration")
Exhibit 45	U.S. Patent No. 11,000,213 ("'213 Patent")
Exhibit 46	U.S. Patent No. 10,993,642 ("'213 Patent")
Exhibit 47	Excerpts from Prosecution History of U.S. Patent No. 8,483,967 ('967 File History)
Exhibit 48	U.S. Patent No. 8,483,967 ("'967 Patent")
Exhibit 49	U.S. Patent No. 9,310,230 ("'230 Patent")
Exhibit 50	U.S. Patent No. 10,194,844 ("'844 Patent")
Exhibit 51	Patent Owner's Preliminary Response, Abbott Diabetes Care Inc. v. DexCom Inc., IPR2023-01251 (PTAB 2023)
Exhibit 52	Decision Granting Institution of Inter Partes Review, DexCom, Inc. v. Abbott Diabetes Care Inc., IPR2023-01251 (PTAB 2023)
Exhibit 53	Patent Owner's Preliminary Response, Abbott Diabetes Care Inc. v. DexCom Inc., IPR2023-01252 (PTAB 2023)
Exhibit 54	U.S. Provisional Appl. 61/747,717
Exhibit 55	U.S. Patent No. 8,626,257 ("'257 Patent")

The parties reserve the right to amend, modify, and/or supplement their identification of intrinsic evidence to take into account additional information that comes light, including without

limitation as additional contentions are made, facts are ascertained, analyses are made, and proposed constructions are provided. Further, the parties reserve the right to rely on the evidence identified by opposing parties to support their constructions.

The parties further reserve the right to assert invalidity arguments under 35 U.S.C. §§ 101 and 112, including at the summary judgment stage.

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Exhibit 1

Joint Claim Construction Chart

U.S. PATENT NO. 11,202,591 ("THE '591 PATENT") & 11,266,335 ("THE '335 PATENT")

Claim Term(s)/Phrase(s)	Abbott's Claim Constructions and Intrinsic Evidence	DexCom's Claim Constructions and Intrinsic Evidence
"housing" (Identified by DexCom)	Proposed Construction: Plain and ordinary meaning Intrinsic Support: Ex. 2 ('591 Patent) at 2:61-3:3, 12:37-56, 13:66-14:27, 16:30-59, 17:52-18:29, 19:6-22, 19:58-20:35, 20:42-21:14, 21:21-50, 21:63-22:15, 22:36-47, Figs. 7-8, 10, 23-24, 34A-36B, 37-38, cls. 1-3, 6, 14, 16, 19-20, 23, 27. Ex. 11 ('591 Patent File History (Excerpted)) at April 2, 2021 Preliminary Amendment, August 30, 2021 Preliminary Amendment, November 12, 2021 Notice of Allowance. Ex. 20 (Petition, IPR2023-01409) at 14-16, 21, 23-24, 26-28, 34-36, 44-45, 47, 50-58, 62, 65, 72-77, 79, 81-83. Ex. 3 ('335 Patent) at 3:34-39, 4:34-35, 6:6-26, 9:52-10:3, 12:17-23, 12:42-45, 13:36-57, 17:10-29, 21:27-39, 24:3-25:21, 27:25-40, 27:55-28:27, 28:46-29:5, 29:16-29, 29:66-30:34, 31:26-32:18, 33:48-59, 34:4-35:6, 35:22-36:36, 36:44-	Proposed Construction: "structure that defines an interior compartment" Intrinsic Support: Ex. 2 ('591 patent) all claims and at FIGS. 8, 10, 23, 24; 14:8-10; 17:55-59; 20:24-35; 20:61-64; 21:3-8; and 22:2-4. Ex. 11 ('591 File History) at April 2, 2021 Preliminary Amendment; August 30, 2021 Second Preliminary Amendment; October 29, 2021 Information Disclosure Statement, International Pub. No. WO 02/15778 Al; and October 29, 2021 Information Disclosure Statement, International Pub. No. WO 2008/138006. Ex. 3 ('335 patent) all claims and at FIGS. 17, 91-93, 125-126, 134, 148-149; 3:34-39; 6:15-26; 12:43-45; 13:43-45; 24:53-56; 27:25-29; 27:33-35; 39:4-5; 44:8-12; 45:61-64; and 46:24-28.

	37:12, 37:25-42, 37:60-67, 38:15-39:48, 39:61-48:51, Figs. 16-21, 159-161, 163-164, cls. 1, 3, 5, 8, 12, 15, 18, 20, 22, 26. Ex. 12 ('335 Patent File History (Excerpted)) at September 11, 2020 Preliminary Amendment, October 2, 2020 Preliminary Amendment, November 16, 2020 Preliminary Amendment, January 20, 2021 Preliminary Amendment, January 29, 2021 Preliminary Amendment, March 23, 2021 Non-Final Rejection, May 19, 2021 Amendment, June 9, 2021 Final Rejection, November 19, 2021 Amendment, January 21, 2022 Notice of Allowance. Ex. 21 ('335 Petition (1)) at 1-3, 6, 13-21, 23-26, 28-37, 41-45, 47-48, 50-57, 60-64, 66, 74-75, 77-78. Ex. 22 ('335 Petition (2)) at 1-2, 7-8, 11-12, 23, 25-32, 35-46, 48-52, 54-59, 63-67, 69, 72-76. Any intrinsic evidence relied upon by DexCom.	Ex. 12 ('335 File History) at Sept. 11, 2020 Specification; May 19, 2021 Applicant Remarks.

U.S. PATENT NO. 11,266,335 ("THE '335 PATENT")

Claim Term(s)/Phrase(s)	Abbott's Claim Constructions and Intrinsic Evidence	DexCom's Claim Constructions and Intrinsic Evidence
"engagement boss" (Identified by DexCom)	Proposed Construction: Plain and ordinary meaning Intrinsic Support: Ex. 3 ('335 Patent) at 44:5-12, 45:57-46:3, 46:8-23 Figs. 122, 135-136, 139-140, cls. 1-2, 8-10. Ex. 12 ('335 Patent File History (Excerpted)) at September 11, 2020 Preliminary Amendment, October 2, 2020 Preliminary Amendment, November 16, 2020 Preliminary Amendment, January 20, 2021 Preliminary Amendment, January 29, 2021 Preliminary Amendment, March 23, 2021 Non-Final Rejection, May 19, 2021 Amendment, June 9, 2021 Final Rejection, November 19, 2021 Amendment, January 21, 2022 Notice of Allowance. Ex. 21 ('335 Petition (1)) at 44-45. Ex. 22 ('335 Petition (2)) at 51-52.	Proposed Construction: "protrusion with rounded edges that engages positively in a recess via external force" Intrinsic Support: Ex. 3 ('335 patent) all claims and at FIGS. 95, 105, 122, 135, 136, 139, 140; 3:3-7; 24:37-39; 30:38-40; 36: 31-32; 38:53-55; 40:18-22; 40:54-66; 43:50-54; 44:8-12; 45:61-46:3; 46:8-21. Ex. 12 ('335 File History) at Sept. 11, 2020 Claims; Sept. 11, 2020 Specifications.

	Any intrinsic evidence relied upon by DexCom.	
"inactive mode" (Identified by DexCom)	Proposed Construction: Plain and ordinary meaning Intrinsic Support: Ex. 3 ('335 Patent) at 11:36-52, cls. 1, 24. Ex. 12 ('335 Patent File History (Excerpted)) at September 11, 2020 Preliminary Amendment, October 2, 2020 Preliminary Amendment, November 16, 2020 Preliminary Amendment, January 20, 2021 Preliminary Amendment, January 29, 2021 Preliminary Amendment, March 23, 2021 Non-Final Rejection, May 19, 2021 Amendment, June 9, 2021 Final Rejection, November 19, 2021 Amendment, January 21, 2022 Notice of Allowance. Ex. 21 ('335 Petition (1)) at 56. Ex. 22 ('335 Petition (2)) at 68. Any intrinsic evidence relied upon by DexCom.	Proposed Construction: "powered down" Intrinsic Support: Ex. 3 ('335 patent) all claims and at 11:42-52. Ex. 12 ('335 File History) at November 19, 2021 Information Disclosure Statement, International Pub. No. WO 2008/138006.

U.S. PATENT NO. 11,298,056 ("THE '056 PATENT")

Claim Term(s)/Phrase(s)	Abbott's Claim Constructions and Intrinsic Evidence	DexCom's Claim Constructions and Intrinsic Evidence
"adverse condition" (Identified by DexCom)	Proposed Construction: Plain and ordinary meaning Intrinsic Support: Ex. 4 ('056 Patent) at Abstract, 1:60-2:4, 13:60-14:31, 14:64-15:3, 15:12-23, Figs. 6, 7A, 7B, cls. 1, 3-11, 13-14, 16-20, 23, 25. Ex. 13 ('056 Patent File History (Excerpted)) at August 24, 2021 Preliminary Amendment, November 9, 2021 Non-Final Rejection, December 20, 2021 Amendment, February 7, 2022 Notice of Allowance. Any intrinsic evidence relied upon by DexCom.	Proposed Construction: "a detected system malfunction, error, or failure that results in an inability or disabling of the monitoring system to display or output processed data" Intrinsic Support: Ex. 4 ('056 patent) all claims and at 12:9-13, 13:20-27, and 13:32-34. Ex. 47 ('967 File History) at Feb. 7, 2013 Applicant Arguments/Remarks Made in Amendment. Ex. 48 (U.S. Patent No. 8,483,967) at Claims 1, 7, and 14. Ex. 49 (U.S. Patent No. 9,310,230) at Claims 1, 8, 13. Ex. 50 (U.S. Patent No. 10,194,844) at Claims 1 and 10. Ex. 51 (Patent Owner's Preliminary Response, Abbott Diabetes Care Inc. v. DexCom Inc., IPR2023-01251 (PTAB

		2023)) including at pp. 5-7, 9, 13-14, 19, 23, 26-29, and 51-52. Ex. 52 (Decision Granting Institution of *Inter Partes* Review, DexCom, Inc. v. Abbott Diabetes Care Inc., IPR2023-01251 (PTAB 2023)) including at pp. 26 and 30. Ex. 53 (Patent Owner's Preliminary Response, Abbott Diabetes Care Inc. v. DexCom Inc., IPR2023-01252 (PTAB 2023)) including at pp. 7,10-13, 16, 35-41, and 62.
"sensor misposition error" (Identified by DexCom)	Proposed Construction: Plain and ordinary meaning Intrinsic Support: Ex. 4 ('056 Patent) at 1:30-34, 4:4-26, 5:48-54, 13:63-67, Fig. 1, cls. 1, 13. Ex. 13 ('056 Patent File History (Excerpted)) at August 24, 2021 Preliminary Amendment, November 9, 2021 Non-Final Rejection, December 20, 2021 Amendment, February 7, 2022 Notice of Allowance. Any intrinsic evidence relied upon by DexCom.	Proposed Construction: "improper positioning of the sensor in or on a user's body" Intrinsic Support: Ex. 4 ('056 patent) all claims and at 5:48-50, 5:54-58; 15:27-28; 24:25-30.

U.S. PATENT NO. 9,119,528 ("THE '528 PATENT")

Claim Term(s)/Phrase(s)	Abbott's Claim Constructions and Intrinsic Evidence	DexCom's Claim Constructions and Intrinsic Evidence
"evaluating a dynamic risk of the predicted glucose value" (Identified by Abbott)	Proposed Construction: "evaluating a dynamic risk of the predicted glucose value by inputting the predicted glucose value into a dynamic risk model" Intrinsic Support: Ex. 5 ('528 Patent) at 23:40-59, 24:42-25:2, 28:55-29:22, 31:55-32:11, 35:6-28, cls. 1, 5, 24, 28. Ex. 14 ('528 Patent File History (Excerpted)) at January 16, 2013 Application, October 2, 2014 Non-Final Rejection, January 2, 2015 Amendment, January 9, 2015 Supplemental Amendment, January 13, 2015 Interview Summary, January 28, 2015 Non-Final Rejection, April 23, 2015 Amendment, May 4, 2015 Notice of Allowance. Ex. 23 ('215 FWD) at 54-55. Ex. 24 ('215 POR) at 42-43, 52. Ex. 25 ('215 PO Surreply) at 19.	Proposed Construction: Plain and ordinary meaning Intrinsic Support: Ex. 5 ('528 patent) at Fig. 6; 2:27-31; 3:46-50; 23:50-24:9 (including all Figures referred to in the foregoing disclosures) *See also* Ex. 36 (D.I. 662, Joint Claim Construction Chart, *DexCom, Inc. v. Abbott Diabetes Care, Inc.*, Case No. 22-605-KAJ, Ex. 1), at 8-9 (D. Del. Feb. 9, 2024) (citing D.I. 662, Joint Claim Construction Chart, *DexCom, Inc. v. Abbott Diabetes Care, Inc.*, Case No. 22-605-KAJ, Exs. 4, 8, 20-23, 25, 27-30 (D. Del. Feb. 9, 2024)). Any intrinsic or extrinsic evidence relied upon by Abbott.

	Any intrinsic evidence relied upon by DexCom.	
"the hypoglycemic indicator comprises a flag that has a particular set of instructions associated with it depending on …" (Identified by Abbott)	Proposed Construction: "the hypoglycemic indicator comprises a flag that has a particular set of instructions output to a person or external device to take an action associated with it depending on …"; "instructions" in this term does not include internal processing instructions Intrinsic Support: Ex. 5 ('528 Patent) at 3:19-39, 4:40-61, 19:24-34, 29:13-22, cls. 1, 12, 19, 23. Ex. 14 ('528 Patent File History (Excerpted)) at January 16, 2013 Application, October 2, 2014 Non-Final Rejection, January 2, 2015 Amendment, January 9, 2015 Supplemental Amendment, January 13, 2015 Interview Summary, January 28, 2015 Non-Final Rejection, April 23, 2015 Amendment, May 4, 2015 Notice of Allowance. Ex. 23 ('215 FWD) at 46-50. Ex. 24 ('215 POR) at 29-30, 52.	Proposed Construction: Plain and ordinary meaning Intrinsic Support: Ex. 5 ('528 patent) at Figs. 3A-4C, 5-7; 4:34-40; 16:25-35; 18:43-54; 28:13-21; 29:5-7; Claims 1, 16 (including all Figures referred to in the foregoing disclosures) *See also* Ex. 36 (D.I. 662, Joint Claim Construction Chart, *DexCom, Inc. v. Abbott Diabetes Care, Inc.*, Case No. 22-605-KAJ, Ex. 1), at 8-9 (D. Del. Feb. 9, 2024) (citing D.I. 662, Joint Claim Construction Chart, *DexCom, Inc. v. Abbott Diabetes Care, Inc.*, Case No. 22-605-KAJ, Exs. 4, 21-23, 25, 27-29, 31, 32 (D. Del. Feb. 9, 2024)). Any intrinsic or extrinsic evidence relied upon by Abbott.

	Ex. 25 ('215 PO Surreply) at 13. Any intrinsic evidence relied upon by DexCom.	
"[evaluating / evaluation of] the sensor data using the first function and the second function [allows for / provides] increased warning time of hypoglycemic alerts without substantially increasing the number of alerts as compared to [evaluating / evaluation of] the sensor data using the first function without [evaluating / evaluation of] the sensor data using the second function" (Identified by Abbott)	Proposed Construction: Indefinite Intrinsic Support: Ex. 5 ('528 Patent) at 2:46-52, 3:65-4:4, 24:58-25:51, cls. 1, 9, 22, 24, 32, 45. Ex. 14 ('528 Patent File History (Excerpted)) at January 16, 2013 Application, October 2, 2014 Non-Final Rejection, January 2, 2015 Amendment, January 9, 2015 Supplemental Amendment, January 13, 2015 Interview Summary, January 28, 2015 Non-Final Rejection, April 23, 2015 Amendment, May 4, 2015 Notice of Allowance. Any intrinsic evidence relied upon by DexCom.	Proposed Construction: Plain and ordinary meaning Intrinsic Support: Ex. 5 ('528 patent) at Figs. 5, 6; 2:40-52; 3:59-4:4; 20:60-21:59; 24:58-25:21 (including all Figures referred to in the foregoing disclosures) Any intrinsic or extrinsic evidence relied upon by Abbott.
"[the first order autoregressive model comprises a forgetting factor, a prediction horizon and a prediction threshold tuned to provide / the second function provides] no more than one additional alarm per week based on a	Proposed Construction: Indefinite Intrinsic Support:	Proposed Construction: Plain and ordinary meaning Intrinsic Support:

retrospective analysis comparing the use of the first function and the second function together as compared to the first function alone" (Identified by Abbott)	Ex. 5 ('528 Patent) at 2:40-46, 3:59-65, 24:58-25:51, cls. 23, 46. Ex. 14 ('528 Patent File History (Excerpted)) at January 16, 2013 Application, October 2, 2014 Non-Final Rejection, January 2, 2015 Amendment, January 9, 2015 Supplemental Amendment, January 13, 2015 Interview Summary, January 28, 2015 Non-Final Rejection, April 23, 2015 Amendment, May 4, 2015 Notice of Allowance. Any intrinsic evidence relied upon by DexCom.	Ex. 5 ('528 patent) at Figs. 2, 6; 2:40-46; 3:59-64; 15:45-49; 25:22-30 (including all Figures referred to in the foregoing disclosures) Any intrinsic or extrinsic evidence relied upon by Abbott.
"second function" (Identified by DexCom)	<u>Proposed Construction</u>: Plain and ordinary meaning <u>Intrinsic Support</u>: Ex. 5 ('528 Patent) Abstract, 1:30-33; 2:49-53, 2:53-55, 3:3-19, 3:40-49, 3:66-4:3, 4:3-9, 4:24-34, 4:37-40, 25:3-22, 25:51-53, 26:25-27, 26:46-49, 26:50-60, 27:26-35, 28:20-33, 37:3-23, 37:50-60, 43:66-44:17, 45:9-22, Fig. 6, cls. 1, 5-7, 9-10, 16-17, 21-24, 28-30, 32-33, 39-40, 44-46. Ex. 14 ('528 Patent File History (Excerpted)) at January 16, 2013	<u>Proposed Construction</u>: "function that provides a predictive alert/alarm" <u>Intrinsic Support</u>: Ex. 5 ('528 patent) Abstract; Figs. 4D-7, 11; 1:14-17; 2:5-14; 2:27-31; 2:46-55; 2:60-62; 2:65-3:14; 3:21-33; 3:42-50; 3:65-4:8; 4:12-14; 4:17-26; 17:31-43; 21:6-28; 21:43-49; 21:53-65; 24:10-12; 24:15-24; 25:61-64; 27:22-32; 28:24-25; 28:38-44; 36:3-5; 42:52-58; 42:58-62; 43:63-65; Claims 1-46 (including all

	Application, October 2, 2014 Non-Final Rejection, January 2, 2015 Amendment, January 9, 2015 Supplemental Amendment, January 13, 2015 Interview Summary, January 28, 2015 Non-Final Rejection, April 23, 2015 Amendment, May 4, 2015 Notice of Allowance. Ex. 26 ('215 Patent) at cls. 1, 5-7, 9, 12, 17-20, 28, 29. Ex. 23 ('215 FWD) at 12-21. Any intrinsic evidence relied upon by DexCom.	Figures referred to in the foregoing disclosures) *See also* Ex. 36 (D.I. 662, Joint Claim Construction Chart, *DexCom, Inc. v. Abbott Diabetes Care, Inc.*, Case No. 22-605-KAJ, Ex. 1), at 7-8 (D. Del. Feb. 9, 2024) (citing D.I. 662, Joint Claim Construction Chart, *DexCom, Inc. v. Abbott Diabetes Care, Inc.*, Case No. 22-605-KAJ, Exs. 4, 8, 20-22, 25, 27-30 (D. Del. Feb. 9, 2024)). Any intrinsic or extrinsic evidence relied upon by Abbott.

U.S. PATENT NO. 9,801,541 ("THE '541 PATENT")

Claim Term(s)/Phrase(s)	Abbott's Claim Constructions and Intrinsic Evidence	DexCom's Claim Constructions and Intrinsic Evidence
"wherein the wireless mobile remote monitor or a user of the wireless mobile remote monitor is specifically authorized by the host to receive the alert notification message to augment the receiver monitoring of the analyte state of the host" (Identified by Abbott)	Proposed Construction: Indefinite Intrinsic Support: Ex. 6 ('541 Patent) at Abstract, 1:65-2:1, cls. 1-17. Ex. 15 ('541 Patent File History (Excerpted)) at March 15, 2013 Application, May 28, 2015 Non-Final Rejection, September 25, 2015 Amendment, December 16, 2015 Final Rejection, February 16, 2016 Amendment, April 15, 2016 Interview Summary, May 16, 2016 Amendment, June 29, 2016 Non-Final Rejection, July 21, 2016 Interview Summary, October 6, 2016 Amendment, January 12, 2017 Final Rejection, April 11, 2017 Amendment, June 14, 2017 Notice of Allowance. Any intrinsic evidence relied upon by DexCom.	Proposed Construction: Plain and ordinary meaning. Intrinsic Support: Ex. 6 ('541 patent) at Figs. 10, 16, 18A, 18B; Abstract; 4:25-50; 5:25-42; 7:11-35; 28:30-29:25; 31:63-32:12; 32:13-26; 32:33-57; 34:3-35 (and all Figures referred to in the foregoing disclosures). Ex. 15 ('541 File History) Ex. 18 ('204 File History) Ex. 54 (U.S. Provisional Appl. 61/747,717) at Figs. 1A-E, 7-9; Abstract; ¶¶ [005]-[006], [016], [022], [031], [035]-[036], [092], [121], [124], [128] (and all Figures referred to in the foregoing disclosures); Claims 1-26. Any intrinsic or extrinsic evidence relied upon by Abbott.
"rules" / "settings" terms	Proposed Construction:	Proposed Construction:

• *"rules"* • *"settings"* • *"alert rules settings"* • *"alert rules"* (Identified by Abbott)	Indefinite <u>Intrinsic Support</u>: Ex. 6 ('541 Patent) at 3:15-17, 5:38-42, 7:20-29, 9:32-39, 9:49-52, 10:14-17, 22:30-39, 26:38-43, 27:33-37, 28:20-26, 30:13-24, 30:40-43, 32:42-49, 33:50-34:2, 34:36-41, 35:9, 36:3-12, 36:22-27, 39:30-42, 41:16-29, Fig. 16, cls. 1-17. Ex. 9 ('204 Patent) at cls. 1-19. Ex. 15 ('541 Patent File History (Excerpted)) at March 15, 2013 Application, May 28, 2015 Non-Final Rejection, September 25, 2015 Amendment, December 16, 2015 Final Rejection, February 16, 2016 Amendment, April 15, 2016 Interview Summary, May 16, 2016 Amendment, June 29, 2016 Non-Final Rejection, July 21, 2016 Interview Summary, October 6, 2016 Amendment, January 12, 2017 Final Rejection, April 11, 2017 Amendment, June 14, 2017 Notice of Allowance. Any intrinsic evidence relied upon by DexCom.	Plain and ordinary meaning. <u>Intrinsic Support</u>: Ex. 6 ('541 patent) at Figs. 10, 13-17, Abstract, 2:27-41, 3:5-12, 8:4-27, 8:43-62, 9:32-56, 27:54-28:3, 31:5-15, 36:3-12, 39:30-43 (and all Figures referred to in the foregoing disclosures). Ex. 15 ('541 File History) Ex. 18 ('204 File History) Ex. 54 (U.S. Provisional Appl. 61/747,717) at Figs. 1A-E, 8, 9, Abstract, ¶¶ [005]-[008], [025]-[026], [095], [137]-[138], [142], [176] (and all Figures referred to in the foregoing disclosures), Claims 1-26. Any intrinsic or extrinsic evidence relied upon by Abbott.

U.S. PATENT NO. 10,709,364 ("THE '364 PATENT")

Claim Term(s)/Phrase(s)	Abbott's Claim Constructions and Intrinsic Evidence	DexCom's Claim Constructions and Intrinsic Evidence
"reference glucose concentration values" (Identified by Abbott)	Proposed Construction: "values of glucose concentration, from any source including but not limited to the sensor being calibrated, to be used as a reference" Intrinsic Support: Ex. 7 ('364 Patent) at Abstract, 1:46-2:65, 3:11-4:45, 7:33-9:4, 9:36-9:64, 11:17-25, 12:18-24, 13:19-27, 14:65-15:22, 17:9-19:19, 60:1-13, 63:10-27, 70:59-71:9, 74:41-92:26 (and cited references incorporated by reference therein, including but not limited to U.S. Publ. No. 2005/0143635 A1 at ¶ 57), Figs. 1A-1F, 21-33, cls. 1-10. Ex. 16 ('364 Patent File History (Excerpted)) at January 2, 2020 Preliminary Amendment, January 22, 2020 Non-Final rejection; March 9, 2020 Amendment, March 25, 2021 Notice of Allowance. Ex. 27 ('628 App. File History (Excerpted)) at July 18, 2019 Preliminary Amendment, August 14, 2019 Pre-	Proposed Construction: Plain and ordinary meaning Intrinsic Support: Ex. 7 ('364 patent) at Abstract; Figs. 21, 22B, 23-26B, 28-31; 3:7-26; 3:39-43; 7:10-13; 9:36-64; 12:18-24; 13:54-14:27; 18:17-36; 27:45-28:36; 29:50-30:37; 31:31-32:42; 35:17-40; 51:66-52:14; 63:10-27; 71:60-72:27; 74:41-78:25; 79:32-80:3; 80:37-58; 81:33-54; 82:29-83:3; 83:37-87:32; 88:9-46; 88:59-89:4; 89:55-90:24; Claim 4 (including all Figures referred to in the foregoing disclosures) *See also* Ex. 36 (D.I. 662, Joint Claim Construction Chart, *DexCom, Inc. v. Abbott Diabetes Care, Inc.*, Case No. 22-605-KAJ, Ex. 1), at 1-6 (D. Del. Feb. 9, 2024) (citing D.I. 662, Joint Claim Construction Chart, *DexCom, Inc. v. Abbott Diabetes Care, Inc.*, Case No. 22-605-KAJ, Exs. 2, 3, 12-15, 40, 41, 47-65 (D. Del. Feb. 9, 2024)).

	interview First Office Action, October 25, 2019 Examiner Interview Summary, October 25, 2019 First Action Interview – Office Action, October 28, 2019 First Action Interview - Office Action, November 12, 2019 Amendment, November 20, 2019 Examiner Interview Summary, December 16, 2019 Notice of Allowance. Ex. 28 ('557 File History (Excerpted)) at September 26, 2013 Non-Final Rejection, November 20, 2013 Applicant Initiated Interview Summary, December 13, 2013 Amendment, April 25, 2014 Office Action, March 2, 2015 Office Action, June 2, 2015 Amendment, June 3, 2015 Amendment, September 17, 2015 Office Action, November 17, 2015 Amendment, November 24, 2015 Applicant Initiated Interview Summary, February 9, 2016 Office Action, May 9, 2016 Amendment, June 24, 2016 Office Action, August 24, 2016 Amendment, November 21, 2016 Examiner Initiated Interview Summary, November 21, 2016 Notice of Allowance. Ex. 29 ('213 FWD (1)) at 49-57. Ex. 30 ('213 POR (1)) at 57-73. Ex. 31 ('213 FWD (2)) at 35-52.	Any intrinsic or extrinsic evidence relied upon by Abbott.

	Ex. 32 (’213 POR (2)) at 57-71. Ex. 33 (’642 FWD (1)) at 13-21. Ex. 35 (’642 FWD (2)) at 11-17. Ex. 37 (’213 Pet. (1)) at 1-2, 16-21, 32-33. Ex. 38 (’213 POPR (1)) at 19-24, 39-54. Ex. 39 (’213 IPR (1) Baura Declaration) at 35-40, 62-65, 110-119, 135-157. Ex. 40 (’213 ID (1)) at 27-29. Ex. 41 (’213 PO Surreply (1)) at 17-25. Ex. 42 (’642 Pet. (1)) at 1-2, 16-22, 42-43, 70-71. Ex. 43 (’642 POPR (1)) at 31-33, 43-45, 51-69. Ex. 44 (’642 IPR (1) Baura Declaration) at 91-101, 118-140. Ex. 45 (’213 Patent), cl. 1. Ex. 46 (’642 Patent), cl. 1. Any intrinsic evidence relied upon by DexCom.	

U.S. PATENT NO. 11,020,031 ("THE '031 PATENT")

Claim Term(s)/Phrase(s)	Abbott's Claim Constructions and Intrinsic Evidence	DexCom's Claim Constructions and Intrinsic Evidence
"drift profile" (Identified by Abbott)	Proposed Construction: "profile of a change in baseline and/or sensitivity of the sensor signal over time" Intrinsic Support: Ex. 8 ('031 Patent) at 21:36-48, 109:12-29, 140:55-141:12, 179:64-180:19, 200:41-59, 201:20-38, 201:39-62, 210:3-38, 212:17-213:43, 218:33-67, 225:29-65, 226:34-40, 236:32-41, 251:58-253:2, cls. 1, 2, 8, 13-14, 20, 23, 25-34. Ex. 17 ('031 Patent File History (Excerpted)) at December 30, 2020 Preliminary Amendment, March 2, 2021 Non-Final Rejection, March 15, 2021 Amendment, March 16, 2021 Supplemental Amendment, March 26, 2021 Notice of Allowance. Any intrinsic evidence relied upon by DexCom.	Proposed Construction: Plain and ordinary meaning. Intrinsic Support: Ex. 8 ('031 patent) at Figs. 3J-3K, 11, 13, 14, 15, 17-25; Abstract; 8:24-11:29; 21:21-48; 109:12-29; 139:27-149:58; 155:10-61; 179:36-180:19; 200:26-202:24; 209:26-225:65; 231:6-67; 236:4-62; 251:47-253:2 (including all Figures referred to in the foregoing disclosures) Ex. 55 (U.S. Pat. No. 8,626,257) at Figs. 3J-3K, 11, 13, 14, 15, 17-25; Abstract; 9:7-10:48; 24:12-18; 27:44-49; 29:9-24; 74:65-76:37; 203:35-218:11 (including all Figures referred to in the foregoing disclosures) Ex. 17 ('031 File History) at 3/23/2021 NOA, 2. Any intrinsic or extrinsic evidence relied upon by Abbott.

U.S. PATENT NO. 11,213,204 ("THE '204 PATENT")

Claim Term(s)/Phrase(s)	Abbott's Claim Constructions and Intrinsic Evidence	DexCom's Claim Constructions and Intrinsic Evidence
"rules" / "settings" terms • *"rules"* • *"settings"* • *"first setting"* • *"one or more preferences or settings"* • *"recommended rule settings"* (Identified by Abbott)	Proposed Construction: Indefinite Intrinsic Support: Ex. 9 ('204 Patent) at 3:18-20, 5:41-45, 7:23-32, 9:35-42, 9:52-55, 10:17-20, 22:30-39, 26:38-43, 27:33-37, 28:20-26, 30:13-24, 30:40-43, 32:42-49, 33:50-34:2, 34:36-41, 35:9, 36:3-11, 36:22-27, 39:27-40, 41:11-24, Fig. 16, cls. 1-19. Ex. 6 ('541 Patent) at cls. 1-17. Ex. 18 ('204 Patent File History (Excerpted)) at June 8, 2017 Application, October 5, 2017 Preliminary Amendment, December 14, 2017 Non-Final Rejection, March 13, 2018 Amendment, June 29, 2018 Final Rejection, November 2, 2018 Amendment, November 26, 2018 Non-Final Rejection, May 6, 2019 Amendment, August 12, 2019 Final Rejection, October 7, 2019 Amendment, October 22, 2019 Advisory Action, November 19, 2019 Interview Summary, December 10, 2019 Amendment, January 15, 2020 Non-Final Rejection, April 15,	Proposed Construction: Plain and ordinary meaning. Intrinsic Support: Ex. 9 ('204 patent) at Figs. 10, 13-17; Abstract; 2:30-44; 3:8-15; 8:7-30; 8:46-65; 9:35-59; 27:54-28:3; 31:5-15; 36:3-12 (and all Figures referred to in the foregoing disclosures). *See also* '541 patent above. Ex. 15 ('541 File History) Ex. 18 ('204 File History) Ex. 54 (U.S. Provisional Appl. 61/747,717) at Figs. 1A-E, 7-9; Abstract; ¶¶ [005]-[008], [016], [022], [024]-[026], [31], [035]-[036], [095], [121]-[122], [124], [130]-[131], [137]-[138], [142], [176]-[178] (and all Figures referred to in the foregoing disclosures), Claims 1-26. Any intrinsic or extrinsic evidence relied upon by Abbott.

	2020 Amendment, June 15, 2020 Final Rejection, August 14, 2020 Amendment, August 24, 2020 Advisory Action, September 22, 2020 Non-Final Rejection, December 21, 2020 Amendment, March 22, 2021 Final Rejection, May 20, 2021 Interview Summary, June 9, 2021 Amendment, June 28, 2021 Advisory Action, August 24, 2021 Terminal Disclaimer, August 30, 2021 Notice of Allowance. Any intrinsic evidence relied upon by DexCom.	
"wherein accepting the invitation, programmatically establishes an account associated with the [remote monitor / apparatus] at the secure server" (Identified by Abbott)	<u>Proposed Construction</u>: "wherein accepting the invitation automatically, without user log in or other user intervention, establishes an account associated with the [remote monitor / apparatus] at the secure server" <u>Intrinsic Support</u>: Ex. 9 ('204 Patent) at 10:30-34, 11:27-32, 12:8-36, 23:21-22, 24:35-38, 24:55-59, 26:40-47, 33:60-67, 35:20-22, 40:63-41:16, 41:53-42:2, cls. 1, 7, 12, 19. Ex. 18 ('204 Patent File History (Excerpted)) at June 8, 2017 Application, October 5, 2017 Preliminary Amendment,	<u>Proposed Construction</u>: Plain and ordinary meaning. <u>Intrinsic Support</u>: Ex. 6 ('541 patent) at Figs. 10, 12, 16; Abstract; 27:42-53; 32:13-26; 32:58-33:5; 40:24-41; 40:52-41:8; 41:36-52; 41:53-65 (and all Figures referred to in the foregoing disclosures). Ex. 15 ('541 File History) Ex. 18 ('204 File History) Ex. 54 (U.S. Provisional Appl. 61/747,717) at Abstract; ¶¶ [284], [287], [346]-[348] (and all Figures referred to in the foregoing disclosures).

	December 14, 2017 Non-Final Rejection, March 13, 2018 Amendment, June 29, 2018 Final Rejection, November 2, 2018 Amendment, November 26, 2018 Non-Final Rejection, May 6, 2019 Amendment, August 12, 2019 Final Rejection, October 7, 2019 Amendment, October 22, 2019 Advisory Action, November 19, 2019 Interview Summary, December 10, 2019 Amendment, January 15, 2020 Non-Final Rejection, April 15, 2020 Amendment, June 15, 2020 Final Rejection, August 14, 2020 Amendment, August 24, 2020 Advisory Action, September 22, 2020 Non-Final Rejection, December 21, 2020 Amendment, March 22, 2021 Final Rejection, May 20, 2021 Interview Summary, June 9, 2021 Amendment, June 28, 2021 Advisory Action, August 24, 2021 Terminal Disclaimer, August 30, 2021 Notice of Allowance. Any intrinsic evidence relied upon by DexCom.	Any intrinsic or extrinsic evidence relied upon by Abbott.

U.S. PATENT NO. 11,510,625 ("THE '625 PATENT")

Claim Term(s)/Phrase(s)	Abbott's Claim Constructions and Intrinsic Evidence	DexCom's Claim Constructions and Intrinsic Evidence
"wherein the needle hub is coupled to the [insertion element/needle] by heat staking, snap-fit, friction-fit, clamshell[,] or insert molding" (Identified by Abbott)	Proposed Construction: Product-by-process claim element Intrinsic Support: Ex. 10 ('625 Patent) at 11:3-9, 59:18-34, 68:65-69:6, 69:16-49, 70:28-41, 74:14-33, 78:23-44, 80:61-81:28, cls. 1, 4, 13-14, 22, 26, 28, 30. Ex. 19 ('625 Patent File History (Excerpted)) at February 3, 2022 Preliminary Amendment, April 13, 2022 Non-Final Rejection, May 13, 2022 Amendment, May 19, 2022 Amendment, June 2, 2022 Notice of Allowance, September 2, 2022 Amendment, September 22, 2022 Notice of Allowance. Any intrinsic evidence relied upon by DexCom.	Proposed Construction: Plain and ordinary meaning; the limitation should be afforded patentable weight. Intrinsic Support: Ex. 10 ('625 patent) at Figs. 77-81C; 69:7-32 (including all Figures referred to in the foregoing disclosures) Ex. 34 (U.S. Provisional Appl. 62/658,486) at [0374] (including all Figures referred to in the foregoing disclosures) Any intrinsic or extrinsic evidence relied upon by Abbott.
"a locking element configured to couple the [insertion element/needle] to the needle hub by insert molding" (Identified by Abbott)	Proposed Construction: Product-by-process claim element Intrinsic Support:	Proposed Construction: Plain and ordinary meaning. Intrinsic Support:

	Ex. 10 (’625 patent) at 11:3-9, 59:18-34, 68:65-69:6, 69:16-49, 70:28-41, 74:14-33, 78:23-44, 80:61-81:28, cls. 1, 4-5, 13-15, 22, 26-27. Ex. 19 (’625 Patent File History (Excerpted)) at February 3, 2022 Preliminary Amendment, April 13, 2022 Non-Final Rejection, May 13, 2022 Amendment, May 19, 2022 Amendment, June 2, 2022 Notice of Allowance, September 2, 2022 Amendment, September 22, 2022 Notice of Allowance. Any intrinsic evidence relied upon by DexCom.	Ex. 10 (’625 patent) at Figs. 80A-80B; 69:7-32 (including all Figures referred to in the foregoing disclosures) Ex. 34 (U.S. Provisional Appl. 62/658,486) at [0374] (including all Figures referred to in the foregoing disclosures) Any intrinsic or extrinsic evidence relied upon by Abbott.