

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION
Case No. 1:23-cv-00261-WCG**

Tangent Technologies, LLC	)	
	)	
Plaintiff,	)	
	)	
v.	)	DEFENDANT’S PROPOSED CLAIM
	)	CONSTRUCTIONS
Recycled Plastics Industries, LLC	)	
	)	
Defendant.	)	
	)	
	)	

Pursuant to the Court’s Scheduling Order dated December 18, 2023 (ECF 37), Defendant Recycled Plastics Industries, LLC (“RPI”) proposes the following claim constructions for terms that RPI identified on April 19, 2024.¹ RPI reserves the right to amend its claim constructions based on Plaintiff’s corresponding disclosure and any other developments in the case.

¹ Plaintiff did not identify any terms for construction.

U.S. Patent No. 10,981,350

Claim Term	RPI's Proposed Construction
“substantially uninterrupted curvilinear path originating proximate the first side of the board and terminating proximate the second side of the board,” “substantially uninterrupted curvilinear path in the second direction originating proximate the first side and terminating proximate the second side,” “substantially uninterrupted curvilinear path in the second direction originating proximate an outer surface of a first portion of the substrate and terminating proximate an outer surface of a second portion of the substrate,” and “substantially uninterrupted curvilinear path originating from proximate the first side of the core and terminating proximate the second side of the core” (Claims 1-3, 5-7, 9-13, and 15-24)	Indefinite. To the extent not found indefinite: “a continuous curved path [along the second direction] having essentially no breaks, gaps, or intersections with itself or with the path of other layers, beginning very near the first side [of the board/an outer surface of the substrate/core] and ending very near the second side [of the board/an outer surface of the substrate/core]”
“natural wood-grained” and “wood grain” (Claims 1-3, 5-7, 9-13, and 15-24)	Indefinite.
“board” (Claims 1-3, 5-7, 9, 16-17, and 24)	“an elongated, thin, three-dimensional product”
“substrate” (Claims 10-13, 15, and 18-23)	“a thin, three-dimensional product”
“length,” “length direction” and “first direction” (Claims 1-3, 5-7, 10-13, and 15-24)	“direction of extrusion”
“alternate within the board,” “alternate within the core of the substrate,” “alternate within the core of the board,” “alternate within the substrate,” and “alternate within the core” (Claims 1-3, 5-7, 9-13, and 15-24)	“follow and succeed each other in turns in a stacked pattern within [the board/the core of the substrate/the core of the board/the substrate/the core]”

U.S. Patent No. D819,234

Claim Term	RPI's Proposed Construction
"the ornamental design for a wood-grained polymer board, as shown and described"	Indefinite. To the extent not found indefinite: "the ornamental design for a wood-grained polymer board, exactly as shown and described, consisting of: • Lighter and darker layers following and succeeding each other in turns in a stacked pattern, along the height direction (as viewed in Figure 2); • Darker layers being in contact with or nearly in contact with the left side of the board along substantially the entire height direction, and in contact with or nearly in contact with the right side of the board along substantially the entire height direction (as viewed in Figure 2); • The darker layers extending in a continuous curved path having essentially no breaks, gaps, or intersections with themselves or with the path of other darker layers, in a direction defined by the left side and the right side of the board (as viewed in Figure 2); • A substantial number of the darker layers starting and/or terminating at the top or bottom of the board (as viewed in Figure 2); • The right half of the board appearing darker than the left half (as viewed in Figure 2); • The curves of the darker layers having a smooth (rather than jagged) appearance; • The darker layers being distinct from one another;

Claim Term	RPI's Proposed Construction
	• The darker layers being thinner than the lighter layers; • The darker layers having the specific curvatures shown; • The lighter layers having the specific curvatures shown; • The darker layers being in the specific distribution and orientation to one another, and to the lighter layers, shown; • The lighter layers being in the specific distribution and orientation to one another, and to the darker layers, shown; • The darker layers having the specific thicknesses shown; • The lighter layers having the specific thicknesses shown; • The specific variations and differences in the colors of the layers shown; • The specific quantity of darker layers shown; and • The specific quantity of lighter layers shown.”

U.S. Patent No. D819,235

Claim Term	Proposed Construction
“the ornamental design for a wood-grained polymer board, as shown and described”	Indefinite. To the extent not found indefinite: “the ornamental design for a wood-grained polymer board, exactly as shown and described, consisting of: • Lighter and darker layers following and succeeding each other in turns in a stacked pattern, along the width direction of the surface of the board (as viewed in Figure 2); • Darker layers being in contact with or nearly in contact with the end of the board along substantially the entire width direction of the surface of the board, and in contact with or nearly in contact with the opposite end of the board along substantially the entire width direction of the surface of the board (as viewed in Figure 2); • The darker layers extending in a continuous path having essentially no breaks, gaps, or intersections with themselves or with the path of other darker layers, in the length direction of the surface of the board (as viewed in Figure 2); • The darker layers on the right half of the board being thinner and greater in number than the darker layers on the left half of the board (as viewed in Figure 2); • The darker layers on the right half of the board being less curved than the darker layers on the left half of the board, with the darker layers on the left half being more blurred and jagged (as viewed in Figure 2); • The darker layers on the right half of the board being more closely arranged

Claim Term	Proposed Construction
	to one another than the darker layers on the left half of the board, which are more dispersed from one another; • The darker layers being distinct from one another; • The darker layers having the specific curvatures shown; • The lighter layers having the specific curvatures shown; • The darker layers being in the specific distribution and orientation to one another, and to the lighter layers, shown; • The lighter layers being in the specific distribution and orientation to one another, and to the lighter layers, shown; • The darker layers having the specific thicknesses shown; • The lighter layers having the specific thicknesses shown; • The specific variations and differences in the colors of the layers shown; • The specific quantity of darker layers shown; and • The specific quantity of lighter layers shown.”

Dated: April 26, 2024

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Recycled Plastics Industries, LLC*

Certificate of Service

I hereby certify that on April 26, 2024, I caused the foregoing document to be served upon Plaintiff's counsel of record via e-mail.

/s/ Jacob Z. Zambrzycki
Jacob Z. Zambrzycki