

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ŌURA HEALTH OY,

Plaintiff,

v.

CIRCULAR SAS,

Defendant.

CASE NO. 6:22-cv-00478-ADA

JURY TRIAL DEMANDED

CIRCULAR SAS,

Counterclaim-Plaintiff,

v.

ŌURA HEALTH OY,

Counterclaim-Defendant.

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the Court’s Scheduling Order (ECF No. 36) and the Court’s Order Governing Proceedings (OGP) 4.3 - Patent Cases, Plaintiff Ōura Health Oy (“Ōura” or “Plaintiff”) and Defendant Circular SAS (“Circular” or “Defendant”) (jointly, “Parties”) hereby provide this joint claim construction statement regarding claim terms, phrases, or clauses for U.S. Patent Nos. 10,893,833 and 10,842,429 (“Asserted Patents”):

1. Attached as **Exhibit A** are the Parties’ agreed-upon constructions.
2. There are eight (8) disputed terms across the Asserted Patents. Attached as **Exhibit B** are each parties’ proposed constructions of each disputed term, with supporting evidence.

DATED: January 16, 2024

Respectfully submitted,

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EXHIBIT A

EXHIBIT A – AGREED UPON TERMS

I. U.S. PATENT NO. 10,842,429

No.	CLAIM TERM	ASSERTED CLAIMS	AGREED CONSTRUCTIONS
1.	“obtaining the user’s movements”	Claim 1	“collecting data regarding the user’s movements”
2.	“instructions related to physical activity and mental activity for improving the readiness score”	Claims 1 and 8	“instructions related to at least one physical activity and at least one mental activity for improving the readiness score”
3.	“an activity determination device”	Claim 9	“a device other than the ring or the mobile device that measures activity and can communicate with the mobile communication device”

II. U.S. PATENT NO. 10,893,833

No.	CLAIM TERM	ASSERTED CLAIMS	AGREED CONSTRUCTIONS
4.	The preamble: “A wearable electronic device”	Claim 1	The preamble is limiting.

EXHIBIT B

EXHIBIT B – DISPUTED TERMS

I. U.S. PATENT NO. 10,842,429

No.	CLAIM TERM	PARTY SEEKING CONSTRUCTION	ASSERTED CLAIMS	PLAINTIFF’S PROPOSED CONSTRUCTIONS	DEFENDANT’S PROPOSED CONSTRUCTIONS
1.	“using the obtained user’s movements to determine a nature of the period, wherein the nature of the period is selected from an activity period and a rest period”	Defendant	Claims 1 and 8	No construction is necessary. This phrase is self-explanatory within the context of the claim, and therefore should receive its plain and ordinary meaning. This term is also not indefinite. Alternative Proposal: “based on the collected data regarding the user’s movements, identifying a period of time when the user is at rest <i>or</i> a period of time when the user is active.”	Indefinite OR “based on the collected data regarding the user’s movements, identifying a period of time when the user is at rest and a period of time when the user is active.”
2.	“a sleep balance”	Defendant	Claim 5	No construction is necessary. This phrase is self-explanatory within the context of the claim, and therefore should receive its plain and ordinary meaning.	“the sum of how much accumulated sleep over the previous weeks differs from individual sleep needs”
3.	“means for measuring at least one biosignal of the user”	Plaintiff	Claim 8	Governed by 35 U.S.C. §112(f). <u>Claimed Function:</u> “measuring at least one biosignal of the user.”	No construction needed.

No.	CLAIM TERM	PARTY SEEKING CONSTRUCTION	ASSERTED CLAIMS	PLAINTIFF’S PROPOSED CONSTRUCTIONS	DEFENDANT’S PROPOSED CONSTRUCTIONS
				<u>Corresponding Structure:</u> “one or more of optical electronics, electrodes, or temperature sensor.”	
4.	“means for measuring the user’s movements during an active period and the rest period”	Plaintiff	Claims 8 and 9	Governed by 35 U.S.C. §112(f). <u>Claimed Function:</u> “measuring the user’s movements” <u>Alternate Claimed Function:</u> “collecting data regarding the user’s movements during an activity period and during the rest period” <u>Corresponding Structure:</u> “at least one motion sensor.”	“means for collecting data regarding the user’s movements during an activity period and during the rest period.”

II. U.S. PATENT NO. 10,893,833

No.	CLAIM TERM	PARTY SEEKING CONSTRUCTION	ASSERTED CLAIMS	PLAINTIFF’S PROPOSED CONSTRUCTIONS	DEFENDANT’S PROPOSED CONSTRUCTIONS
5.	“inner surface”	Defendant	Claim 1	No construction is necessary. This phrase is self-explanatory within the context of the claim, and therefore should	“surface of the wearable electronic device that, when the device is worn, is in contact with the skin of the user and not externally visible”

No.	CLAIM TERM	PARTY SEEKING CONSTRUCTION	ASSERTED CLAIMS	PLAINTIFF’S PROPOSED CONSTRUCTIONS	DEFENDANT’S PROPOSED CONSTRUCTIONS
				receive its plain and ordinary meaning.	
6.	“the cavity a bottom of the cavity”	Defendant	Claim 6	Not indefinite “the at least one cavity at a bottom of the at least one cavity”	Indefinite
7.	“a bottom of the at least one cavity”	Defendant	Claim 7	Not indefinite “the bottom of the at least one cavity”	Indefinite
8.	“ink”	Defendant	Claim 10	No construction is necessary. This term is self-explanatory within the context of the claim, and therefore should receive its plain and ordinary meaning.	Colorant