

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

VERMONT SAFETY DEVELOPMENTS	)	
LLC,	)	
	)	
Plaintiff	)	
	)	
v.	)	Case No. 2:23-cv-00089
	)	
HEAD SPORT GmbH,	)	
	)	
Defendant.	)	

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to Paragraph 5 of the Second Amended Stipulated Discovery Schedule (D.I. 36), Plaintiff Vermont Safety Developments LLC and Defendant Head Sport GmbH hereby submit the following Joint Claim Construction Chart for U.S. Patent No. 7,523,953 (“the ’953 Patent”) (Ex. 1). The parties’ Joint Claim Construction Chart identifies the disputed claim terms and the parties’ proposed constructions of those terms.

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The parties agree to the construction of the following terms:

	Claim Term	Agreed Construction
1.	“an attenuated release” (’953 Patent, claims 53, 58)	A lateral release wherein the torque exceeds a lower release threshold or level.
2.	“wherein said first release is a first release torque about a tibial axis of a skier . . . and said second release is a second release torque about a tibial axis” (’953 Patent, claims 55 and 59)	Plain and ordinary meaning
3.	“wherein said first release torque is at least 20% less than said second release torque” (’953 Patent, claims 56 and 60)	Plain and ordinary meaning

The parties dispute the constructions of the following terms:

No.	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
1.	"a first release" ('953 Patent, claims 53, 58)	A first lateral release, i.e., a release of the ski boot from the binding in a transverse direction relative to the longitudinal axis of the ski.	A first lateral toe release, i.e., a release of the ski boot from the toe piece of the binding in a transverse direction relative to the longitudinal axis of the ski. Otherwise, indefinite under § 112.
2.	"a second release" ('953 Patent, claims 53, 58)	A second lateral release, i.e., a second release of the ski boot from the binding in a transverse direction relative to the longitudinal axis of the ski.	A second lateral toe release, i.e., a second release of the ski boot from the toe piece of the binding in a transverse direction relative to the longitudinal axis of the ski. Otherwise, indefinite under § 112.
3.	"release logic" ('953 Patent, claims 53, 58)	An arrangement of components of the binding assembly that causes a specific sequence of actions to actuate or not actuate the first release in response to whether externally applied loads on the ski exceed a predetermined threshold correlated with risk of ACL injury.	Means plus function term subject to § 112, ¶ 6. Function: laterally releasing the toe of the ski boot from the ski binding. Structure: A secondary toe release secured to a trigger platform, pivotable substantially only in one direction, wherein a triggerable latch mechanism is also pivotably secured to a trigger platform and includes a latch that will release a catch on the secondary toe release under a threshold-exceeding force, allowing the secondary toe release to pivot freely to release the toe of the ski boot.

4.	“release condition” (’953 Patent, claim 53)	A release condition occurs when a load applied to the ski binding exceeds a certain magnitude selected to lessen the likelihood of ACL injury, requiring a release of the ski boot from the ski binding.	A release condition occurs when a load applied to the ski binding exceeds a certain magnitude, requiring a release of the ski boot from the ski binding.
5.	“first axis” (’953 Patent, claims 53, 58)	An axis of rotation substantially perpendicular to the plane of the ski at a specific point on the ski relative to the tibial axis.	Indefinite under § 112 of the patent law
6.	“second axis” (’953 Patent, claims 53, 58)	An axis of rotation parallel to and spaced from the “first axis,” and substantially perpendicular to the plane of the ski at a different specific point on the ski relative to the tibial axis.	Indefinite under § 112 of the patent law
7.	“first loading” (’953 Patent, claims 53, 58)	A torque, moment or force resolvable at the first axis in response to an externally applied load on the ski.	Indefinite under § 112 of the patent law
8.	“second loading” (’953 Patent, claims 53, 58)	A torque, moment or force resolvable at the second axis in response to an externally applied load on the ski.	Indefinite under § 112 of the patent law
9.	“assess, relative to a first axis, a first loading internal to the ski system caused by an external loading applied to the system” (’953 Patent, claim 53)	Provide an indication of or a response to a magnitude and direction of the first loading at the first axis by permitting or causing movement of one or more mechanical components or creating an electronic signal when an external load, such as an impact on the snow, is applied to the ski.	Indefinite under § 112 of the patent law

10.	“assess, relative to a second axis spaced from the first axis and substantially parallel to the first axis, a second loading internal to the ski system caused by the external loading” (’953 Patent, claim 53)	Provide an indication of or a response to a magnitude and direction of the second loading at the second axis by permitting or causing movement of one or more mechanical components or creating an electronic signal when an external load, such as an impact on the snow, is applied to the ski.	Indefinite under § 112 of the patent law
11.	“determine whether or not the release condition is occurring as a function of both of the first loading and the second loading” (’953 Patent, claim 53)	Binding assembly release logic indicating occurrence or nonoccurrence of the release condition dependent upon the assessments of the first loading and second loading.	Indefinite under § 112 of the patent law
12.	“exceeds a first defined level and has a first defined sense” (’953 Patent, claim 58)	“Exceeds” means greater than (plain meaning). “First defined level” is a magnitude of the first loading corresponding to a release setting of the binding. “First defined sense” is the direction of the first loading.	Indefinite under § 112 of the patent law.
13.	“exceeds a second defined level and has a second defined sense” (’953 Patent, claim 58)	“Exceeds” means greater than (plain meaning). “Second defined level” is a magnitude of the second loading corresponding to a release setting of the binding. “Second defined sense” is the direction of the second loading.	Indefinite under § 112 of the patent law.

14.	“said first release is at least 20% less than said second release” ('953 Patent, claim 54)	The tibial axis torque at the first release is at least 20% less than the tibial axis torque at the second release.	Indefinite under § 112 of the patent law.
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