

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ZIPSTRING, LLC,

Plaintiff,

v.

Case No.: 1:24-cv-00136-TCB

**NxtGEN TOYS, LLC, LIVE
GLEAM LLC, and BENZION
SADIGURSKY,**

Defendants.

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to LPR 6.3, Plaintiff, Zipstring, LLC, and Defendants', NxtGen Toys, LLC, Live Gleam LLC, and Benzion Sadigursky, by and through their undersigned attorneys, hereby submit their Join Claim Construction Statement with respect to the asserted claims of U.S. Patent Nos. 11,674,774 ("the '774 Patent"), 11,879,703 ("the '703 Patent") and 11, 918,927 ("the '927 Patent").

I. CONSTRUCTION OF CLAIM TERMS, PHRASES OR CLAUSES ON WHICH THE PARTIES AGREE:

No	Claim Term/Phrase	Agreed Construction
1	<i>"surface texture [of string] to increase air friction"</i> '774 patent, claims 1, 12, 16	a surface texture designed to increase air friction

2	<i>“turbulent air boundary layer”</i> ‘774 patent, claims 2, 17	plain and ordinary meaning: turbulent is defined as “air moves in a random, irregular fashion”
3	<i>“project illumination”</i> ‘927 patent, claim 1	to throw or cause light to fall upon a surface or into space
4	<i>“within the body”</i> ‘927 patent, claim 3	plain and ordinary meaning: within is defined as “inside” [the body]
5	<i>“generates lift”</i> ‘774 patent, claim 3	plain and ordinary meaning: lift is defined as upward force caused by the movement of air
6	<i>“housing”</i> ‘774 patent, claims 1, 4, 5, 8, 10, 12, 13, 14, 15, 16, 18, 20 ‘703 patent, claims 1, 7, 12, 13, 14, 15, 16, 17, 19	structure that covers, at least partially, the pair of wheels
7	<i>“axially aligned”</i> ‘774 patent, claims 5, 18 ‘703 patent, claims 3, 4, 13, 17	plain and ordinary meaning: arranged in a specified way along an axis
8	<i>“aperture”</i> ‘774 patent, claims 5, 7, 15, 18, 19	plain and ordinary meaning: an opening such as a hole, slit, crack, gap, etc.
9	<i>“within the housing”</i> ‘927 patent, claims 1, 4, 5	See 6 above re “housing”; plain and ordinary meaning for within: within is defined as “inside” so the definition of within the housing is “inside the structure that covers, at least partially, the pair of wheels”
10	<i>“portion”</i> ‘703 patent, claims 1, 6, 9, 10, 14	plain and ordinary meaning: a part of any whole

II. PROPOSED CONSTRUCTION OF EACH DISPUTED CLAIM TERM, PHRASE, OR CLAUSE AND IDENTIFICATION OF SUPPORT

The chart inserted below identifies disputed claim terms, phrase or clauses and sets forth the parties' positions regarding proposed constructions of these disputed terms, phrase or clauses, together with an identification of intrinsic and extrinsic evidence of the parties in support of their constructions. Each party reserves the right to rely on the evidence proffered by the other.

No	Claim Term/Phrase	Plaintiff Construction	Defendants Construction
1	<i>“loading slot”</i> ‘774 patent, claims 4, 16 ‘703 patent, claims 1, 12	slot through which the string is loaded or removed from between the pair of wheels ‘774 Patent Col. 1 ll. 63-66 Col. 8 ll. 48-57 Col. 9 ll. 7-10, 60-64 ‘703 Patent Col. 2 ll. 1-5 Col. 8 ll. 59-61 Col. 9 ll. 10-15	slot that facilitates loading of the looped string through the string loading slot to a position between a first wheel and a second wheel ‘774 patent Col. 8, ln. 47-61 Col. 9, ln. 7-16 Col. 11, ln. 20-28 ‘703 patent Col. 8, ln. 51-65 Col. 9, ln. 11-20 Col. 11, ln. 24-32 Prosecution History, App. No. 18/354,014, Nov. 20, 2023, OA Resp. at 6-7.
2	<i>“guide slot”</i> ‘774 patent, claim 13	slot extending around a portion of the circumference of at	a slot different from the loading slot that moves the string to the operation position

	<i>“guiding slot”</i> ‘703 patent, claims 12, 17	least one of the pair of wheels ‘774 Patent Col. 2 ll. 5-10 ‘703 Patent Col. 2 ll. 59-62	between a drive wheel and a guide wheel ‘774 patent Col. 9, ln. 17-36 Col. 9, ln. 37-57 FIGS. 7-14 ‘703 patent Col. 9, ln. 21-40 Col. 9, ln. 41-61. FIGS. 7-14 Prosecution History, App. No. 18/354,014, Nov. 20, 2023, OA Resp. at 10-12.
3	<i>“loading tab”</i> ‘774 patent, claims 14, 19	a structure which guides the string from the loading slot to the intake aperture Col. 2 ll. 1-5, 50-55	a tab extending from the loading slot that leads the string into the intake aperture ‘774 patent Col. 8, ln. 66 – Col. 9, ln. 6 Col. 10, ln. 30-36 Col. 10, ln. 57-62 ‘703 patent Col. 9, ln. 3-10 Col. 10, ln. 34-40 Col. 10, ln. 60-65
4	<i>“about at least a portion”</i> ‘703 patent, claim 3, 17	See 10 above re “portion”; plain and ordinary meaning: a part of any whole; The claim term meets the requirements of 35 U.S.C. § 112 and therefore is definite. There is adequate	Indefinite The claim term is indefinite under the requirements of 35 U.S.C. § 112.

		disclosure in the specification such that one of ordinary skill in the art would understand the meaning of the term.	
5	<i>“configured to illuminate a location on a path of travel of a string”</i> ‘927 patent, claim 13	designed to light a portion of a path along which the string travels Col. 2 ll. 35-45; The claim term meets the requirements of 35 U.S.C. § 112 and therefore is definite. There is adequate disclosure in the specification such that one of ordinary skill in the art would understand the meaning of the term.	Indefinite The claim term is indefinite under the requirements of 35 U.S.C. § 112.

In addition to the foregoing, the Plaintiff will be relying on the expert declaration of Dr. Jason Janet in support of its Markman briefing.

III. ANTICIPATED LENGTH OF TIME NECESSARY FOR THE CLAIM CONSTRUCTION HEARING

Based on the Parties’ agreement not to present witness testimony and rely solely on their briefing and oral argument, the Parties anticipate that a Claim

Construction Hearing (“Markman”) could be completed in approximately four (4) hours.

IV. IDENTIFICATION OF WITNESS AND SUMMARY OF EACH OPINION TO BE OFFERED

Pursuant to Local Patent Rule 6.3(b)(4), neither party intends to call any witnesses to testify at the claim construction hearing.

Dated: December 6, 2024

Respectfully submitted,

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s/Jodi-Ann McLane

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CERTIFICATE OF SERVICE

I hereby certify that, on December 6, 2024, the foregoing JOINT CLAIM
CONSTRUCTION STATEMENT was filed electronically through the CM/ECF system.

/s/Kenneth W. Cohen
Kenneth W. Cohen