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

MEDIT CORP., Plaintiff, v. 3SHAPE A/S, Defendant.	No. 6:23-CV-00658-ADA-DTG

CLAIM CONSTRUCTION ORDER FOR U.S. PATENT NOS. 7,912,257; 9,191,648; 9,245,374; 9,262,864

Before the Court are the Parties' claim construction briefs (ECF Nos. 14, 15, 16, 17) and the Joint Claim Construction Statement (ECF No. 20). On May 28, 2024, the Court provided the parties with its Preliminary Claim Constructions, and on May 29, 2024, the Court held a *Markman* hearing. The Court issues this Order to memorialize the Court's final claim construction rulings for the parties. The Court will issue a more-detailed Order explaining its analysis in due course. The deadline to file any objections to the undersigned's claim construction rulings, per Federal Rules of Civil Procedure 59 and 72 begins to run when the more-detailed Order is entered on the docket.

IT IS SO ORDERED.
SIGNED this 31st day of May, 2024.

DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE

3SHAPE EXHIBIT 1017
3Shape v. Medit

I. DISPUTED TERMS

A. Claim Terms for the ’257 Patent

	Disputed Claim Term / Asserted Claims where the Term Appears	Plaintiff Medit’s Proposed Construction	Defendant 3Shape’s Proposed Construction	Court’s Final Construction
1	“video rate” / “at the video rate” (Claims 1, 6, 8-11, 16, 18, 21)	Plain and ordinary meaning, no construction necessary	(at the) frame rate for acquiring 2D images for video	Plain and ordinary meaning, and both parties agreed that “a video rate” is the same video rate referred to later as “the video rate.”
2	“visualization” (Claims 1, 11, 18)	Plain and ordinary meaning, no construction necessary	Indefinite	Plain and ordinary meaning
3	“inaccurate scan data” (Claims 1, 11, 18)	Plain and ordinary meaning, no construction necessary	Indefinite	Plain and ordinary meaning, wherein inaccurate scan data includes missing scan data, incomplete scan data, insufficient scan detail (such as where a restoration will be affixed) and the like.
4	“visual display signal (of the three-dimensional model)” (Claims 18, 21)	Plain and ordinary meaning, no construction necessary	Indefinite	Plain and ordinary meaning

B. Claim Terms for the ’648 Patent

	Disputed Claim Term / Asserted Claims where the Term Appears	Plaintiff Medit’s Proposed Construction	Defendant 3Shape’s Proposed Construction	Court’s Final Construction
5	“(first/second) three-	Plain and ordinary	a disparate data set that is not	Plain and ordinary meaning

	Disputed Claim Term / Asserted Claims where the Term Appears	Plaintiff Medit's Proposed Construction	Defendant 3Shape's Proposed Construction	Court's Final Construction
	dimensional model" (Claims 1, 2, 12, 13, 23, 24)	meaning, no construction necessary	directly related to another three-dimensional model through a single scan or camera path	
6	"camera path" (Claims 1, 12, 23, 24)	Plain and ordinary meaning, no construction necessary	physical path(s) taken by a scanner during a scan	Plain and ordinary meaning
7	"virtual stitch graph" (Claims 1, 12, 23, 24)	a rigid transformation and/or other descriptive data that characterizes camera motion in a manner that permits path-based reconstruction of a 3D surface based on multiple disparate scans	spatial relationship between models using data from disparate models	spatial relationship between data sets and/or models using data from disparate data sets and/or models

C. Claim Term for the '374 Patent

	Disputed Claim Term / Asserted Claims where the Term Appears	Plaintiff Medit's Proposed Construction	Defendant 3Shape's Proposed Construction	Court's Final Construction
8	"displaying the point for a decay time"	Plain and ordinary meaning, no construction necessary	temporarily displaying the point for a predetermined,	Plain and ordinary meaning

	Disputed Claim Term / Asserted Claims where the Term Appears	Plaintiff Medit's Proposed Construction	Defendant 3Shape's Proposed Construction	Court's Final Construction
	(Claims 1, 12, 23)		short time interval	

D. Claim Terms for the '864 Patent

	Disputed Claim Term / Asserted Claims where the Term Appears	Plaintiff Medit's Proposed Construction	Defendant 3Shape's Proposed Construction	Court's Final Construction
9	"each one of the plurality of images (in each image set) captured from a different optical axis" (Claims 1-3, 9)	Plain and ordinary meaning, no construction necessary	each image of the plurality of images (in each image set) captured from a different fixed, known relationship to the perspective of the other images	Plain and ordinary meaning
10	"video image" (Claims 1, 2, 15, 16, 18, 19)	Plain and ordinary meaning, no construction necessary	two-dimensional image captured by a video camera used to create the 3D model	Plain and ordinary meaning