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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Kolon Industries, Inc., Plaintiff, v. Hyosung Advanced Materials Corp. and Hyosung USA, Inc., Defendants.	Case No. 8:24-cv-00415-JVS-JDE **PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Kolon Industries, Inc.
Exhibit 2010
HS Hyosung v. Kolon
IPR2025-00664
Ex. 2010-001

Pursuant to the Order Re Scheduling Dates (Dkt. 68), the parties' Joint Stipulation Staying Discovery and Amending Case Schedule (Dkt. 88), and N.D. Cal. Patent Local Rule 4-3, Plaintiff Kolon Industries, Inc. ("Kolon") and Defendants Hyosung Advanced Materials Corp. ("HAMC") and Hyosung USA, Inc. ("HUSA") (collectively, "Hyosung") hereby submit this Joint Claim Construction and Prehearing Statement ("Joint Statement"). Kolon has alleged that Hyosung infringes claims 1-3 of U.S. Patent No. 9,617,663 (the "'663 patent"), claims 4-7 of U.S. Patent No. 9,789,731 (the "'731 patent"), and claims 1-6 of U.S. Patent No. 10,196,765 (the "'765 patent") (collectively, the "Asserted Claims" and the "Asserted Patents").

I. The Parties Agreed-Upon Constructions

There are no agreed constructions.

II. Disputed Terms and Claim Dispositive Terms

The below chart shows the parties' proposed constructions of the disputed terms, the intrinsic and extrinsic evidence on which the parties intend to rely, and summaries of any witness testimony related to the proposed claim constructions. The parties reserve the right to rely on anything in the intrinsic record at any time, whether or not specifically identified herein. The parties reserve the right to rely on each other's cited materials.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
1	"primarily twisted yarn"	Claim 1 of the '663 patent, and Claims 1, 2, 3, and 4 of	No construction necessary. **<u>Intrinsic:</u>** '663 patent, Abstract; Claim 1; 4:34-46, 5:14-26, 5:36-40, 6:28-7:3,	a single yarn made by twisting one filament yarn in one direction **<u>Intrinsic:</u>** '663 patent, 5:14-16. '765 patent, 5:29-31.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
		the '765 patent	7:20-34, 7:38-52, 8:54-10:36; Tables 1-2. '765 patent, Abstract; Claims 1-4; 2:1-3:2, 3:33-4:3, 4:10-32, 4:61-67, 5:29-41, 5:44-6:4, 6:45-7:20; 7:56-8:25, 8:32-40, 8:65-13:3; Tables 1-2. '663 patent prosecution history, Feb. 1, 2017, Notice of Allowance (KOLON_0000909 at 915-921); Dec. 29, 2016 Response (KOLON_0000909 at 972-978); Aug. 31, 2016 Non-Final Rejection (KOLON_0000909 at 1002-1008). '765 patent prosecution history, Oct. 2, 2018 Amendment (KOLON_0001161 at 1167-1174); Sept. 10, 2018 Amendment (KOLON_0001161 at 1193-1206); Jun. 8, 2018 Final Rejection (KOLON_0001161 at 1219-1225); Mar. 28, 2018 Response (KOLON_0001161 at 1228-1233); Nov. 28,	**<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art. Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to rebut the opinions of Plaintiff's expert.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			2017 Non-Final Rejection (KOLON_0001161 at 1239-1244). U.S. Publication No. 2014/0238524 to Love et al. (HAMC-00002172-2176). **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. David Brookstein regarding the plain and ordinary meaning of this term, phrase, or clause to a person of ordinary skill in the art. Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Brookstein may also provide opinions to rebut the opinions of Defendants' expert. Definition of "FILAMENT YARN" from the Complete Textile Glossary 2001 at 61	

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			(KOLON_0002376 at 2378). Definition of "filament yarn," "filament," and "yarn" from Fairchild's Dictionary of Textiles (8th Ed.) at 228 and 693 (KOLON_0002385 at 2388). Definition of "filament yarn" and "yarn" from ASTM D4849-02B(2007)E3. Discussion of filament yarns in Textile Design at 7-9.	
2	"primarily-twisted yarn"	Claim 4 of the '731 patent	No construction necessary. **Intrinsic:** '731 patent, Abstract; Claims 4-5; 2:1-36, 3:6-24, 3:30-47, 4:5-18, 4:22-32, 4:49-58, 6:11-34, 6:40-7:39, 7:61-67, 8:31-10:32; Table 1. '731 patent prosecution history, Aug. 30, 2017 Notice of Allowance (KOLON_0000303 at 309-313); Aug. 3, 2017	a single yarn made by twisting a filament in one direction **Intrinsic:** '731 patent, 4:5-9 **Extrinsic:** Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			Response (KOLON_0000303 at 325-336); May 3, 2017 Final Rejection (KOLON_0000303 at 363-370); Dec. 29, 2016 Response (KOLON_0000303 at 475-486); Sept. 29, 2016 Non-Final Rejection (KOLON_0000303 at 491-498). US20090090447 (Baldwin et al.) (KOLON_0000303 at 807-841). **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. David Brookstein regarding the plain and ordinary meaning of this term, phrase, or clause to a person of ordinary skill in the art. Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Brookstein may also provide opinions	Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to rebut the opinions of Plaintiff's expert.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			to rebut the opinions of Defendants' expert. Definition of "FILAMENT YARN" from the Complete Textile Glossary 2001 at 61 (KOLON_0002376 at 2378). Definition of "filament yarn," "filament," and "yarn" from Fairchild's Dictionary of Textiles (7th Ed.) at 216 and 641-642 (KOLON_0002381 at 2383). Definition of "filament yarn" and "yarn" from ASTM D4849-02B(2007)E3. Discussion of filament yarns in Textile Design at 7-9.	
3	"plied yarn"	Claims 1, 2, and 3 of the '663 patent	No construction necessary. **<u>Intrinsic:</u>** '663 patent, Claims 1-3; 3:62-4:22, 5:17-26, 7:38-60, 8:27-32, 8:54-10:67.	a yarn made by twisting two or more primarily twisted yarns together in one direction, which is also called a "raw cord" **<u>Intrinsic:</u>** '663 patent, 5:17-23.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			Extrinsic: Expert opinion and/or testimony of Dr. David Brookstein regarding the plain and ordinary meaning of this term, phrase, or clause to a person of ordinary skill in the art. Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Brookstein may also provide opinions to rebut the opinions of Defendants' expert. Definitions of "PLIED YARN," "PLY," and "PLYING" from the Complete Textile Glossary 2001 at 117 (KOLON_0002376 at 2379).	**Extrinsic:** Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art. Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to rebut the opinions of Plaintiff's expert.
4	"ply yarn"	Claims 4 and 6 of the '731 patent	No construction necessary, and duplicative of term (9) below. **Intrinsic:** '731 patent, Claims 4-6; Figs. 1-2; 2:24-39,	a yarn made by secondarily twisting two or more primarily-twisted yarns together, which may also be called raw cord **Intrinsic:**

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			3:13-24, 3:59-62, 4:10-18, 4:26-32, 4:49-58, 6:40-8:7, 8:31-10:32. **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. David Brookstein regarding the plain and ordinary meaning of this term, phrase, or clause to a person of ordinary skill in the art. Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Brookstein may also provide opinions to rebut the opinions of Defendants' expert. Definitions of "PLIED YARN," "PLY," and "PLYING" from the Complete Textile Glossary 2001 at 117 (KOLON_0002376 at 2379). Definition of "ply yarn" from Fairchild's Dictionary of Textiles (7th Ed.) at 432	'731 patent, 4:10-15. **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art. Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to rebut the opinions of Plaintiff's expert.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			(KOLON_0002381 at 2384).	
5	"tension applied to the nylon filament yarn in the second step is higher than tension applied to the aramid filament yarn in the first step in such an amount that, if the secondary twist of the hybrid tire cord with a predetermined length were untwisted, the aramid primarily twisted yarn would be 1.005 to 1.025 times longer than the nylon primarily twisted yarn"	Claim 1 of the '663 patent	Not indefinite. No construction necessary. **Intrinsic:** '663 patent, Abstract; Claim 1; 3:19-28, 3:63-4:26, 4:54-67, 5:17-19, 5:49-6:10, 7:61-10:67; Tables 1-2. '663 patent prosecution history, Feb. 1, 2017, Notice of Allowance (KOLON_0000909 at 915-921); Dec. 29, 2016 Response (KOLON_0000909 at 972-978); Aug. 31, 2016 Non-Final Rejection (KOLON_0000909 at 1002-1008). '765 patent prosecution history, Sept. 10, 2018 Amendment (KOLON_0001161 at 1193-1206); Jun. 8, 2018 Final Rejection (KOLON_0001161 at 1219-1225); Mar. 28. 2018 Response (KOLON_0001161 at 1228-1233).	Indefinite **Intrinsic:** '663 patent, 3:62-4:18. **Extrinsic:** Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art, and how such term, phrase, or clause, when read in light of the intrinsic record, fails to inform those skilled in the art about the scope of the invention with reasonable certainty. Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to rebut the opinions of Plaintiff's expert.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			Extrinsic: Expert opinion and/or testimony of Dr. David Brookstein regarding the plain and ordinary meaning of this term, phrase, or clause to a person of ordinary skill in the art, and how such term, phrase, or clause, when read in light of the intrinsic record, informs those skilled in the art about the scope of the invention with reasonable certainty. Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Brookstein may also provide opinions to rebut the opinions of Defendants' expert. Discussion of untwisting in ASTM D1423-02R08 at 4.	
6	"if the secondary twist of the hybrid tire	Claim 1 of the '765 patent	Not indefinite. No construction necessary. **Intrinsic:**	Indefinite **Intrinsic:**

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
	cord with a predetermined length were untwisted, a length of the aramid primarily twisted yarn would be 1.005 to 1.025 times a length of the nylon primarily twisted yarn"		'765 patent, Abstract; Claims 1-4; 2:1-3:2, 3:30-4:3, 4:10-32, 4:61-67, 5:1-14, 5:29-34, 5:44-6:25, 7:56-8:25, 8:12-40, 8:65-13:3; Tables 1-2. '663 patent prosecution history, Feb. 1, 2017, Notice of Allowance (KOLON_0000909 at 915-921); Dec. 29, 2016 Response (KOLON_0000909 at 972-978); Aug. 31, 2016 Non-Final Rejection (KOLON_0000909 at 1002-1008). '765 patent prosecution history, Sept. 10, 2018 Amendment (KOLON_0001161 at 1193-1206); Jun. 8, 2018 Final Rejection (KOLON_0001161 at 1219-1225); Nov. 28, 2017 Non-Final Rejection (KOLON_0001161 at 1239-1244). **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. David	'765 patent, 3:33-42, 5:64-6:2, 8:32-40. **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art, and how such term, phrase, or clause, when read in light of the intrinsic record, fails to inform those skilled in the art about the scope of the invention with reasonable certainty. Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to rebut the opinions of Plaintiff's expert.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			Brookstein regarding the plain and ordinary meaning of this term, phrase, or clause to a person of ordinary skill in the art, and how such term, phrase, or clause, when read in light of the intrinsic record, informs those skilled in the art about the scope of the invention with reasonable certainty. Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Brookstein may also provide opinions to rebut the opinions of Defendants' expert. Discussion of untwisting from ASTM D1423-02R08 at 4.	
7	"if the secondary twist of the hybrid tire cord … were untwisted"	Claim 1 of the '663 patent, and Claim 1 of the	No construction necessary, and duplicative of terms (5 and 6) above. **<u>Intrinsic:</u>** '663 patent, Abstract; Claim 1; 3:19-28, 3:62-	if the secondary twist of the plied yarn … were untwisted **<u>Intrinsic:</u>**

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
		'765 patent	4:18, 4:54-67, 5:49-6:10, 7:61-10:67. '663 patent prosecution history, Dec. 29, 2016 Response (KOLON_0000909 at 972-978). '765 patent, Abstract; Claim 1; 3:30-43, 4:10-32, 5:1-14, 5:64-6:25, 8:12-40, 9:61-10:17; Tables 1-2. '765 patent prosecution history, Sept. 10, 2018 Amendment (KOLON_0001161 at 1193-1206); Jun. 8, 2018 Final Rejection (KOLON_0001161 at 1219-1225); Mar. 28. 2018 Response (KOLON_0001161 at 1228-1233). **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. David Brookstein regarding the plain and ordinary meaning of this term, phrase, or clause to a person of ordinary skill in the art.	'663 patent, 5:20-23, 5:49-54, 8:14-22, 8:27-32, 8:54-12:26. '765 patent, 5:35-38, 5:64-6:2, 8:32-40, 8:44-49, 9:4-13:19. **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art. Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to rebut the opinions of Plaintiff's expert.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Brookstein may also provide opinions to rebut the opinions of Defendants' expert. Discussion of untwisting in ASTM D1423-02R08 at 4.	
8	"a predetermined length"	Claim 1 of the '663 patent, and Claim 1 of the '765 patent	Not indefinite. No construction necessary, and duplicative of terms (5 and 6) above. **<u>Intrinsic:</u>** '663 patent, Abstract; Claim 1; 3:19-28, 3:62-4:18, 5:49-56, 7:61-8:23, 8:54-10:67. '765 patent, Abstract; Claim 1; 3:30-43, 4:10-32, 5:1-14, 5:64-6:18, 8:12-25, 8:32-40, 9:61-10:17. '663 patent prosecution history, Feb. 1, 2017 Notice of Allowance (KOLON_0000909 at 915-921); Dec. 29, 2016 Response	Indefinite **<u>Intrinsic:</u>** '663 patent, 3:19-28, 3:62-4:18, 5:49-54, 7:61-8:7, 8:14-22. '765 patent, 3:33-42, 5:64-6:2, 8:12-25, 8:32-40. **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art, and how such term, phrase, or clause, when read in light of the intrinsic record, fails to

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			(KOLON_0000909 at 972-978); Aug. 31, 2016 Non-Final Rejection (KOLON_0000909 at 1002-1008). '765 patent prosecution history, Sept. 10, 2018 Amendment (KOLON_0001161 at 1193-1206); June 8, 2018 Final Rejection (KOLON_0001161 at 1219-1225); Mar. 28. 2018 Response (KOLON_0001161 at 1228-1233) ; Nov. 28, 2017 Non-Final Rejection (KOLON_0001161 at 1239-1244). **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. David Brookstein regarding the plain and ordinary meaning of this term, phrase, or clause to a person of ordinary skill in the art, and how such term, phrase, or clause, when read in light of the intrinsic record, informs those skilled in the art about	inform those skilled in the art about the scope of the invention with reasonable certainty. Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to rebut the opinions of Plaintiff's expert.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			the scope of the invention with reasonable certainty. Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Brookstein may also provide opinions to rebut the opinions of Defendants' expert.	
9	"secondarily twisting the nylon and aramid primarily-twisted yarns together at a third twist number to produce a ply yarn in such a way that the nylon and aramid primarily-twisted yarns have identical structures with each other"	Claim 4 of the '731 patent	Not indefinite. No construction necessary. **Intrinsic:** '731 patent, Abstract; Claims 4-6; Figs. 1-2; 2:1-39, 2:62-3:24, 3:30-47, 3:59-62, 4:5-18, 4:22-32, 4:49-58, 6:11-34, 6:40-8:7, 8:31-10:32. '731 patent prosecution history, Aug. 30, 2017 Notice of Allowance (KOLON_0000303 at 309-313); Aug. 3, 2017 Response (KOLON_0000303 at 325-336); May 3, 2017 Final Rejection (KOLON_0000303 at 363-370); Dec. 29,	Indefinite **Intrinsic:** '731 patent, 3:13-24, 3:37-47, 7:21-39. **Extrinsic:** EP2938765 October 20, 2016 Search Opinion; June 26, 2017 Communication Re Abandonment; WO2014/104680 Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art, and how such term, phrase, or clause,

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			2016 Response (KOLON_0000303 at 475-486); Sept. 29, 2016 Non-Final Rejection (KOLON_0000303 at 491-498). **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. David Brookstein regarding the plain and ordinary meaning of this term, phrase, or clause to a person of ordinary skill in the art, and how such term, phrase, or clause, when read in light of the intrinsic record, informs those skilled in the art about the scope of the invention with reasonable certainty. Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Brookstein may also provide opinions to rebut the opinions of Defendants' expert.	when read in light of the intrinsic record, fails to inform those skilled in the art about the scope of the invention with reasonable certainty. Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to rebut the opinions of Plaintiff's expert.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
10	"identical structures"	Claim 4 of the '731 patent	Not indefinite. No construction necessary, and duplicative of term (9) above. **Intrinsic:** '731 patent, Abstract; Claims 4-5; Figs. 1-2; 2:1-39, 2:62-3:24, 3:30-47, 3:59-62, 4:10-12, 6:17-24, 7:21-39, 8:31-10:32. '731 patent prosecution history, Aug. 30, 2017 Notice of Allowance (KOLON_0000303 at 309-313); Aug. 3, 2017 Response (KOLON_0000303 at 325-336); May 3, 2017 Final Rejection (KOLON_0000303 at 363-370); Dec. 29, 2016 Response (KOLON_0000303 at 475-486); Sept. 29, 2016 Non-Final Rejection (KOLON_0000303 at 491-498). **Extrinsic:** Expert opinion and/or testimony of Dr. David Brookstein regarding the plain and ordinary	Indefinite **Intrinsic:** '731 patent, 3:13-24, 3:37-47, 7:21-39. **Extrinsic:** EP2938765 October 20, 2016 Search Opinion; June 26, 2017 Communication Re Abandonment; WO2014/104680 Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art, and how such term, phrase, or clause, when read in light of the intrinsic record, fails to inform those skilled in the art about the scope of the invention with reasonable certainty. Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			meaning of this term, phrase, or clause to a person of ordinary skill in the art, and how such term, phrase, or clause, when read in light of the intrinsic record, informs those skilled in the art about the scope of the invention with reasonable certainty. Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Brookstein may also provide opinions to rebut the opinions of Defendants' expert. '663 patent, 5:57-67; '765 patent, 6:5-16.	rebut the opinions of Plaintiff's expert.
11	"merge structure having a partial covering structure"	Claim 1 of the '765 patent	Not indefinite. "A structure where both the nylon and aramid yarns have been twisted together where each yarn partially covers the other." **<u>Intrinsic:</u>** '765 patent, Claim 1; 2:1-3:2, 4:52-67, 5:64-	Indefinite **<u>Intrinsic:</u>** '765 patent, 2:53-63, 2:64-3:2, 5:64-6:4, 6:5-18. '765 Patent File History March 28, 2018 Applicant Arguments/Remarks

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			6:44, 8:65-13:25; Tables 1-2. '765 patent prosecution history, Oct. 2, 2018 Notice of Allowance (KOLON_0001161 at 1177-1183); Sept. 10, 2018 Response (KOLON_0001161 at 1193-1206); Jun. 8, 2018 Final Rejection (KOLON_0001161 at 1219-1225); Mar. 28, 2018 Response (KOLON_0001161 at 1228-1233). **Extrinsic:** Expert opinion and/or testimony of Dr. David Brookstein regarding the plain and ordinary meaning of this term, phrase, or clause to a person of ordinary skill in the art, which is "a structure where both the nylon and aramid yarns have been twisted together where each yarn partially covers the other," and how such term, phrase, or clause, when read in light of the intrinsic record, informs those	Made in an Amendment at 4 **Extrinsic:** Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art, and how such term, phrase, or clause, when read in light of the intrinsic record, fails to inform those skilled in the art about the scope of the invention with reasonable certainty. Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to rebut the opinions of Plaintiff's expert.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			skilled in the art about the scope of the invention with reasonable certainty. Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Brookstein may also provide opinions to rebut the opinions of Defendants' expert. Definition of "covered yarn" from Fairchild's Dictionary of Textiles (8th Ed.) at 153 (KOLON_0002385 at 2387). Definition of "covered yarn" from ASTM D4849-02B(2007)E3. Definition of "merge" in Webster's Third New International Dictionary (1986) (KOLON_0002389 at 2391). Definition of "merge" in The American Heritage Dictionary of the English Language (2000)	

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			(KOLON_0002373 at 2375).	
12	"twist number"	Claim 4 of the '731 patent	No construction necessary. **Intrinsic:** '731 patent, Abstract; Claims 4-5; 2:1-23, 3:3-24, 3:30-47, 4:19-21, 4:26-32, 4:49-58, 6:11-34, 6:50-7:33, 7:61-66, 8:31-10:32; Table 1. '731 patent prosecution history, Dec. 29, 2016 Response (KOLON_0000303 at 475-486). **Extrinsic:** Expert opinion and/or testimony of Dr. David Brookstein regarding the plain and ordinary meaning of this term, phrase, or clause to a person of ordinary skill in the art. Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the	the number of twists per one meter, and the measure of the twist number is TPM (Twist Per Meter) **Intrinsic:** '731 patent, 4:19-21. **Extrinsic:** Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art. Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to rebut the opinions of Plaintiff's expert.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			art. Dr. Brookstein may also provide opinions to rebut the opinions of Defendants' expert. HAMC-0002712 at 2789, 2791. Definition of "twist" in ASTM D4849-02B(2007)E3.	
13	"twist number"	Claim 1 of the '765 patent	No construction necessary. **<u>Intrinsic:</u>** '765 patent, Claim 1; 2:7-24, 2:44-53, 3:52-57, 3:60-4:3, 4:52-60, 5:42-43, 6:27-44, 8:26-31, 8:58-64. '765 patent prosecution history, Sept. 28, 2018 Jeon Decl. (KOLON_0001161 at 1169-1174); Sept. 10, 2018 Amendment (KOLON_0001161 at 1193-1206). **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. David Brookstein regarding the plain and ordinary meaning of this term,	the number of twists per one meter and its unit is TPM (twist per meter) **<u>Intrinsic:</u>** '765 patent, 5:42-43. **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art. Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to rebut the opinions of Plaintiff's expert.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			phrase, or clause to a person of ordinary skill in the art. Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Brookstein may also provide opinions to rebut the opinions of Defendants' expert. Definition of "TWIST" from Complete Textile Glossary 2001 at 166 (KOLON_0002376 at 2380). Definition of "twist" from ASTM D4849-02B(2007)E3.	
14	"disc fatigue test is performed according to JIS-L 1017 method"	Claim 4 of the '731 patent	Not indefinite. "Disc fatigue test conducted by JIS-L 1017 standard as of the priority date." **<u>Intrinsic:</u>** '731 patent, Abstract; Claims 4-5; Figs. 1-2; 1:4-15, 2:45-61, 4:45-48, 6:11-24, 8:16-19, 8:31-10:32; Table 1.	Indefinite **<u>Intrinsic:</u>** '731 patent, 4:45-48, 8:16-19, 9:49-10:3. '731 Patent File History September 29, 2016 Non-Final Rejection Office Action at 3. '731 Patent File History: December 29, 2016

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			'731 patent prosecution history, Aug. 30, 2017 Notice of Allowance (KOLON_0000303 at 309-313); Aug. 3, 2017 Response (KOLON_0000303 at 325-336); May 3, 2017 Final Rejection (KOLON_0000303 at 363-370); Dec. 29, 2016 Response (KOLON_0000303 at 475-486); Sept. 29, 2016 Non-Final Rejection (KOLON_0000303 at 491-498). **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. David Brookstein regarding the plain and ordinary meaning of this term, phrase, or clause to a person of ordinary skill in the art, which is "disc fatigue test conducted by JIS-L 1017 standard as of the priority date," and how such term, phrase, or clause, when read in light of the intrinsic record, informs those skilled in the art about	Amendment to the Claims at 3; December 29, 2016 Amendment/Request for Reconsideration After Non-Final Rejection Amendment at 7; August 3, 2017 Amendment to the Claims at 2-3. **<u>Extrinsic:</u>** JIS-L 1017 (2002). Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art, and how such term, phrase, or clause, when read in light of the intrinsic record, fails to inform those skilled in the art about the scope of the invention with reasonable certainty. Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			the scope of the invention with reasonable certainty. Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Brookstein may also provide opinions to rebut the opinions of Defendants' expert. JIS-L 1017 (2002). JIS-L 1017 (1995).	rebut the opinions of Plaintiff's expert.
15	"disk fatigue test conducted by JIS-L 1017 (2008)"	Claim 4 of the '765 patent	Not indefinite. "Disc fatigue test conducted by JIS-L 1017 standard as of the priority date." **<u>Intrinsic:</u>** '765 patent, Claim 4; 3:60-4:3, 7:37-52, 8:65-13:25; Tables 1-2. **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. David Brookstein regarding the plain and ordinary meaning of this term, phrase, or clause to a person of ordinary skill	Indefinite **<u>Intrinsic:</u>** '765 patent, 3:60-4:3, 7:37-52, 11:23-12:9; Table 2. **<u>Extrinsic:</u>** JIS-L 1017 (2002). Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art, and how such term, phrase, or clause, when read in light of the

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			in the art, which is "disc fatigue test conducted by JIS-L 1017 standard as of the priority date," and how such term, phrase, or clause, when read in light of the intrinsic record, informs those skilled in the art about the scope of the invention with reasonable certainty. Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Brookstein may also provide opinions to rebut the opinions of Defendants' expert. JIS-L 1017 (2002). JIS-L 1017 (1995).	intrinsic record, fails to inform those skilled in the art about the scope of the invention with reasonable certainty. Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to rebut the opinions of Plaintiff's expert.
16	"measured by ASTM D885 (2004)"	Claims 4 and 5 of the '765 patent	Not indefinite. No construction necessary. **<u>Intrinsic:</u>** '765 patent, Abstract; Claims 4-5; 3:60-4:6, 6:50-61, 7:12-20, 7:37-	Indefinite **<u>Intrinsic:</u>** '765 patent, 3:60-4:3, 4:4-6, 7:38-52. **<u>Extrinsic:</u>** ASTM D885 (2004).

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			52, 11:1-10, 8:65-13:25; Tables 1-2. **<u>Extrinsic:</u>** Expert opinion and/or testimony of Dr. David Brookstein regarding the plain and ordinary meaning of this term, phrase, or clause to a person of ordinary skill in the art, and how such term, phrase, or clause, when read in light of the intrinsic record, informs those skilled in the art about the scope of the invention with reasonable certainty. Dr. Brookstein may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Brookstein may also provide opinions to rebut the opinions of Defendants' expert. ASTM D885 (2004) at 6-8 Tensile Properties of Yarns and Cords, 11-12 Section 21 – Force at Specified	Expert opinion and/or testimony of Dr. Ken Gall regarding the meaning of this term, phrase, or clause to a person of ordinary skill in the art, and how such term, phrase, or clause, when read in light of the intrinsic record, fails to inform those skilled in the art about the scope of the invention with reasonable certainty. Dr. Gall may also opine regarding the level of ordinary skill in the art and/or the qualification of one of ordinary skill in the art. Dr. Gall may also provide opinions to rebut the opinions of Plaintiff's expert.

	Claim Term or Phrase	Claim(s)	Kolon's Proposed Construction and Evidence	Hyosung's Proposed Construction and Evidence
			Elongation (FASE) of Conditioned Yarns and Cords.	

III. Identification of the Terms Whose Construction Will Be Most Significant

The parties agree that the constructions of at least the 10 terms below will be the most significant to the case. Kolon does not believe the construction of any term will be case or claim dispositive.[1] Defendants believe that the construction of at least each of these terms will be case or claim dispositive.

- primarily[-] twisted yarn
- plied yarn
- ply yarn
- if the secondary twist of the hybrid tire cord … were untwisted
- tension applied to the nylon filament yarn in the second step is higher than tension applied to the aramid filament yarn in the first step in such an amount that, if the secondary twist of the hybrid tire cord with a predetermined length were untwisted, the aramid primarily twisted yarn would be 1.005 to 1.025 times longer than the nylon primarily twisted yarn
- if the secondary twist of the hybrid tire cord with a predetermined length were untwisted, a length of the aramid primarily twisted yarn

[1] Kolon asserts that it is unable to fully identify which terms are case dispositive because the required disclosures of the accused instrumentality pursuant to N.D. Cal. Patent Local Rule 3-4(a) made by Hyosung were incomplete. Hyosung disagrees.

would be 1.005 to 1.025 times a length of the nylon primarily twisted yarn

- secondarily-twisting the nylon and aramid primarily-twisted yarns together at a third twist number to produce a ply yarn in such a way that the nylon and aramid primarily-twisted yarns have identical structures with each other
- twist number
- merge structure having a partial covering structure
- disc fatigue test is performed according to JIS-L 1017 method / disk fatigue test conducted by JIS-L 1017 (2008)

IV. Length of Time Necessary for the Claim Construction Hearing

A. Kolon's Position

Kolon expects that the parties will need a total of two hours, one hour per side, subject to questions from the Court, for the Claim Construction Hearing. If the Court deems a technology tutorial to be helpful, Kolon proposes 20 minutes per side within the one hour allocated to each side.

B. Hyosung's Position

Hyosung anticipates the parties to provide a technology tutorial pertinent to the claim construction issues. Hyosung expects that the parties need about 45 minutes (20 to 25 minutes each for Plaintiff and Defendants) for the tutorials and another 2.5 hours (1.25 hours per side) to present arguments concerning the disputed terms, subject to questions from the Court.

V. Witnesses and Summary of Testimony

Pursuant to the parties' agreement, the parties will submit expert declarations concurrent with the filing of their claim construction briefing. The parties do not intend to call any witnesses at the claim construction hearing.

DATED: February 20, 2025

Respectfully submitted,

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ATTESTATION PURSUANT TO LOCAL RULE 5-4.3.4(A)(2)(i)

Pursuant to Local Rule 5-4.3.4(a)(2)(i), I, Charles H. Sanders, attest that all other signatures listed and on whose behalf the filing is submitted concur in this filing's content and have authorized this filing.

/s/ *Charles H. Sanders*
Charles H. Sanders