

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON**

FEIT ELECTRIC COMPANY, INC.,

Plaintiff,

v.

LEDVANCE LLC,

Defendant.

Civil Action No. 5:24-CV-00031-DCR

**PLAINTIFF’S PRELIMINARY
CLAIM CONSTRUCTIONS AND SUPPORTING MATERIALS**

Pursuant to the Court’s Scheduling Order (DN 33), Plaintiff Feit Electric Co., Inc. (“Feit Electric”) hereby provides the following preliminary claim constructions for the terms identified in the parties’ exchange of claim terms for construction on October 8, 2024 (the “Identified Terms”) from the asserted claims of U.S. Patent No. 8,604,678 (the “’678 patent”).

Term	’678 Patent Claim(s)	Preliminary Construction	Support
“wherein the light diffusing layer improves an off-state white appearance of the wavelength conversion component”	1, 19, 29	Plain and ordinary meaning	’678 Patent at 1:64-2:16; 3:15-18; 3:65-67; 4:5-8; 4:21-26; 6:39-41; 6:58-61; 8:9-55; 9:47-55; 10:59-12:12; 15:58-16:4; 16:56-17:2; 17:43-60; 18:57-60; 22:34-48; 25:52-67; FIGs 1-3, 9, 10, 16-24; Cls. 1, 19, 29; December 23, 2012 Response to Office Action.

Term	'678 Patent Claim(s)	Preliminary Construction	Support
“in which the light scattering material within the light diffusing layer corresponds to an average particle size that improves the OFF state white appearance of the wavelength conversion component”	21	Plain and ordinary meaning	'678 Patent at 1:64-2:16; 3:15-35; 3:65-4:26; 6:39-41; 6:58-61; 8:9-55; 9:47-55; 10:59-12:12; 15:58-16:4; 16:56-17:2; 17:43-60; 18:57-60; 22:34-48; 25:52-67; FIGs 1-3, 9, 10, 16-24; Cl. 21; December 23, 2012 Response to Office Action.
“planar”	16, 25	Plain and ordinary meaning	'678 Patent at 8:9-18; 22:22-26; 24:6-12; 25:20-34; FIGs. 1, 20A, 20B, 20C, 23A, 23B; Cls. 16, 25; <i>see also</i> FIGs. 21A, 21B, 21C.
“a wavelength conversion component having a three dimensional shape that is configured to enclose the one or more solid-state light emitters and to in part at least define a light mixing chamber”	29	Plain and ordinary meaning	'678 Patent at 24:49-25:43; FIGs. 15, 16, 20A, 20B, 20C, 21A, 21B, 21C, 23A, 23B; Cl. 29.

Feit Electric reserves the right to rely upon the expert testimony of Professor E. Fred Schubert. Professor Schubert will opine on the technology of the '678 patent, the knowledge of one of skill in the art, the plain and ordinary meaning of the Identified Terms, and Defendant LEDVANCE LLC's ("LEDVANCE") proposed constructions of the Identified Terms. In the event LEDVANCE alleges that one or more of the Identified Terms are indefinite or otherwise invalid under 35 U.S.C. § 112, Professor Schubert will opine on the validity of the Identified Terms.

Furthermore, Feit Electric reserves the right to rely on additional intrinsic and extrinsic evidence, including but not limited to portions of the intrinsic record cited by LEDVANCE and

E. Fred Schubert, *Light-Emitting Diodes* (Cambridge University Press, 2nd ed. 2006). Additionally, Feit Electric reserves its right to rely on any figures, tables, examples, or any reference incorporated by reference in cited portions of the patent-in-suit or the respective file history, even if not explicitly referred to herein.

Feit Electric's investigation is ongoing. Feit Electric reserves the right to modify its constructions at a later date, including but not limited to, in response to any constructions proposed by LEDVANCE.

Dated: November 6, 2024

Respectfully submitted,

/s/ Simeon G. Papacostas

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CERTIFICATE OF SERVICE

I hereby certify that, on November 6, 2024, a true and correct copy of the foregoing document was served upon all counsel of record via email.

/s/ Simeon G. Papacostas
Simeon G. Papacostas

An Attorney for Feit Electric Company, Inc.