

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO.: 24-cv-20594-KMW**

AIR ESSSENTIALS, INC.,

Plaintiff,

vs.

AROMA360, LLC,

Defendant.

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JOINT CLAIM CONSTRUCTION STATEMENT

The Parties, pursuant to the Court’s Scheduling Order [ECF No. 40], hereby submit their Joint Claim Construction Statement.

The Parties identified a total of eleven terms in dispute. Counsel for the parties conferred on these terms and were able to reach an agreement as to four of the terms, two of which the Parties agreed need not be construed. The Parties’ Stipulated Constructions are attached as Exhibit A. As for the remaining seven terms, the Parties’ Disputed Constructions are attached as Exhibit B. The Parties will promptly notify the Court if any additional stipulations are reached prior to the claim construction hearing. Each Party further states as follows:

A. Plaintiff’s Statement

Plaintiff submits that only a single term should be construed, which is “said silencer chamber” as used in claim 7 of U.S. Patent No. 9,527,094. Plaintiff intends to request that the Court construe this term to rectify a clerical error in the body of the claim. As to the remaining terms, Plaintiff submits that no construction is necessary, and that these terms can be given their “Plain and Ordinary” meaning. However, to the extent that the Court determines that any of these

terms should be construed, Plaintiff has reserved its right to present a construction by providing proposed alternative constructions in the chart below. Despite Plaintiff's position on the plain and ordinary meaning of the term, Plaintiff has also stipulated to constructions of certain terms in a good faith effort to reduce the Court's burden.

B. Defendant's Statement

Defendant submits that the seven disputed terms, identified in Exhibit B, should be construed because there is a genuine dispute between the Parties regarding the meaning of each of those terms. Plaintiff contends that the limitation "said silencer chamber", as used in claim 7 of U.S. Patent No. 9,527,094, contains a clerical error. The Parties appear to agree that such term lacks antecedent basis. In an effort to reduce the number of terms that should be construed by the Court, Defendant submits that the term "said silencer chamber" should be corrected, if at all, by construing "said" as "a" to provide the necessary antecedent basis.¹ Plaintiff's construction, on the other hand, is a veiled attempt to remove an explicit claim limitation under the guise of a purported clerical error. Specifically, Plaintiff proposes construing "silencer chamber" as "silencer assembly", thereby entirely removing the "silencer chamber" limitation and improperly broadening the scope of the claim.

In addition to the intrinsic record, Defendant reserves the right to rely on extrinsic evidence to support its proposed constructions, including, but not limited to, expert opinions and testimony. Defendant also invites the opportunity to provide the Court with a joint technical tutorial, should the Court find such a tutorial helpful in construing the disputed claim terms.

¹ Defendant's proposal is made without admitting that a correctable error occurred and without waiving any defense or argument regarding the validity of the asserted claim.

Pursuant to the CM/ECF Administrative Procedures, counsel for Defendant has provided consent to W. John Eagan to electronically sign this document on their behalf.

Respectfully submitted, this 20th day of December, 2024.

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EXHIBIT A**Stipulated Claim Constructions**

Claim Term	Stipulated Construction	Relevant Claims
Fluid Dispersion	“mixture of an operative fluid in air comprising a plurality of substantially uniform droplets (having substantially the same diameter) of the operative fluid dispersed throughout the air”	‘449 Patent: claims 1, 4, 7-10 ’918 Patent: claims 1, 3-8 ’094 Patent: claims 7-9, 11
Baffle	“structure that disrupts the flow of the fluid dispersion through the fluid dispersion assembly”	’094 Patent: claims 7-9, 11
Diffusion Unit	Plain and Ordinary Meaning	‘449 Patent: claims 1, 4, 7-10 ’918 Patent: claims 1, 3-8 ’094 Patent: claims 7-9, 11
“partially restricts movement”	Plain and Ordinary Meaning	’094 Patent: claims 7-9, 11

EXHIBIT B**Disputed Claim Constructions**

Claim Term	Plaintiff's Proposal	Defendant's Proposal	Relevant Claims
Preambles	Not Limiting	Limiting	'449 Patent: claims 1, 7 '918 Patent: claims 1, 5 '094 Patent: claims 7
Silencer Assembly	Plain and Ordinary Alternatively: assembly that reduces the amount of noise generated during operation of the fluid dispersion assembly as the fluid dispersion flows therethrough	"assembly that reduces the amount of noise generated during the operation of the fluid dispersion assembly"	'094 Patent: claims 7-9, 11
Silencer Chamber	Silencer Assembly	"chamber within said silencer assembly"	'094 Patent: claim 7
Said Silencer Chamber	"said silencer assembly"	"a chamber within said silencer assembly"	'094 Patent: claim 7
Compressed Air Source	Plain and Ordinary Meaning Alternatively: a source of air that is above ambient pressure	"device configured to supply compressed air"	'449 Patent: claims 1, 4, 7-10 '918 Patent: claims 1, 3-8 '094 Patent: claims 7-9, 11
Mixing Chamber	Plain and Ordinary Meaning Alternatively: a region where the operative fluid is combined with the compressed air.	"chamber where compressed air and fluid are initially mixed together to form fluid dispersion"	'449 Patent: claims 1, 4, 7-10 '918 Patent: claims 1, 3-4, 6-8 '094 Patent: claims 8-9

Claim Term	Plaintiff's Proposal	Defendant's Proposal	Relevant Claims
Diffusion Chamber	Plain and Ordinary Meaning Alternatively: a region that is structured to facilitate the formation of the fluid dispersion prior to discharge.	“chamber where compressed air and fluid further mix together to form fluid dispersion prior to discharge”	'449 Patent: claims 1, 4, 7-10 '918 Patent: claims 1, 3-8 '094 Patent: claims 7-9, 11