

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Omni Continuum LLC,

Plaintiff/Counterclaim Defendant,

v.

**NKT Photonics Inc. and
NKT Photonics A/S,**

Defendants/Counterclaim Plaintiffs.

Case No. 1:24-cv-11007-IT

**L.R. 16.6(e)(1)(D)
JOINT CLAIM CONSTRUCTION STATEMENT**

Pursuant to Local Rule 16.6(e)(1)(D), the parties submit this Joint Claim Construction Statement to identify the claim terms to be construed. The patents-in-suit are U.S. Patent No. 7,433,116 (“’116 patent”) and U.S. Patent No. 7,519,253 (“’253 patent”).

Exhibit 1 is a chart that lists the claim terms where the parties agree on the constructions.

Exhibit 1

Term	Patent	Agreed Construction	Court’s Construction
"coupled to"	Both	any direct or indirect optical communication between two or more elements, whether or not those elements are in physical contact with one another	
“combiner”	’116 patent	an optical device that combines two or more separate incoming optical signals into an outgoing optical signal	

Term	Patent	Agreed Construction	Court's Construction
“operable to combine the first pump signal and the second pump signal into a first optical signal”	'116 patent	operates to receive the first pump signal and the second pump signal and combine them into the first optical signal	
“pump signal”/ “the pump signal”	'253 patent	a signal that is generated from light emitted from one or more laser diodes that meets the other claim requirements	
“pulse width”	'253 patent	the temporal duration of a laser pulse, measured as the temporal width of the laser pulse at half of its maximum power value (i.e., the full-width half-max or FWHM).	

Exhibit 2 is a chart that lists the disputed claim terms in the order in which the parties would like to construe them and noting each party's proposed construction of each term.

Exhibit 2

Term	Patent	Patent Owner's Construction	Accused Infringers' Construction	Court's Construction
“infrared light source”	'116 patent	a source of light that emits light with a wavelength between approximately 750 nm and 1 mm. This is a preamble term that does not exclude emitting other wavelengths of light	a source of light that emits light with a wavelength between approximately 750 nm and 1 mm	
“substantially different wavelength”	'116 patent	wavelengths with a 80nm difference or more	Indefinite	

Term	Patent	Patent Owner's Construction	Accused Infringers' Construction	Court's Construction
"substantially different waveguide structure"	'116 patent	a waveguide having a different material, shape, or size greater than standard tolerances	Indefinite	
"first optical signal"	'116 patent	No construction needed Alternatively: a combined optical signal that contains at least a portion of the first pump signal and the second pump signal	a combined optical signal that simultaneously contains both the first pump signal and the second pump signal propagating in the same direction	
"shift"	'116 patent	to change the wavelength of the light	to discretely move from one value to another without broadening	
"a first fiber coupled to the one or more optical amplifiers"	'253 patent	No construction needed	a first fiber coupled to the one or more optical amplifiers to receive the amplified pump signal	

Respectfully submitted,

Date: January 24, 2025/s/ Thomas A. Lewry

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CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2025, I electronically filed the foregoing document with the Clerk of the Court for the United States District of Massachusetts using the ECF System which will send notification to the registered participants of the ECF System as listed on the Court's Notice of Electronic Filing.

/s/ Thomas A. Lewry