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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

BRAINGUARD TECHNOLOGIES,
INC.,

Plaintiff,

v.

REVELYST SALES LLC,

Defendant.

Case No.: 8:24-cv-2652-JWH-ADS

**JOINT CLAIM CONSTRUCTION
STATEMENT**

Date: October 22, 2025

Time: 10:00 AM

Pursuant to the Court’s April 9, 2025 Order (Dkt. 37), Plaintiff BrainGuard Technologies, Inc. (“BrainGuard” or “Plaintiff”) and Defendant Revelyst Sales LLC (“Revelyst” or “Defendant”) hereby submit their Joint Claim Construction Statement regarding U.S. Patent Nos. 8,863,319 (“the ’319 Patent”); 9,060,561 (“the ’561 Patent”); 9,271,536 (“the ’536 Patent”); 9,414,635 (“the ’635 Patent”); and 9,516,909 (“the ’909 Patent”); collectively the “Asserted Patents.”

A. Claims at Issue

The following claims are asserted in this litigation (collectively the “**Asserted Claims**”):

- ’319 Patent, claims 6, 7, 8, 9, 11, 17, 18, 19, and 20;
- ’561 Patent, claims 1, 7, 8, 9, 10, 16, and 17;
- ’536 Patent, claims 1, 7, 8, 9, 10, 16, 17, 18, and 19;
- ’635 Patent, claims 1, 2, 3, 4, 8, 9, 10, 11, 12, 17, 18, 19, and 20; and
- ’909 Patent, claims 1, 2, 5, 8, 9, 11, 12, 13, 16, 19, and 20.

Following its own analysis and after meeting and conferring with Revelyst, BrainGuard has elected not to further pursue the following claims that were previously identified in its Infringement Contentions:

- ’319 Patent, claim 10;
- ’536 Patent, claim 20;
- ’561 Patent, claims 18-20.

B. Terms To Be Construed

The parties provide the following table, which shows each party’s proposed construction of each disputed claim term, phrase, or clause.

Term	Plaintiff’s Proposed Construction	Defendant’s Proposed Construction
“means to allow the outer shell layer to slide relative to the middle shell layer”	This claim limitation should be interpreted pursuant to 35 U.S.C. § 112(f).	This is a means-plus-function term which should be construed

'319 Patent, claims 6, 7, 8, 9, 11, 17, 18, 19, and 20

Function: “allow the outer shell layer to slide relative to the middle shell layer.

Structure: “a loose or flexible connection (8:35-38, 10:36) directly or indirectly connecting shell layers (10:27-29) that allows up to several centimeters of sliding movement of one shell layer with respect to another” and equivalents.

under 35 U.S.C. § 112, ¶ 6 as follows:

Function: “allowing the outer shell layer to slide relative to the middle shell layer”

Structure: The structures described as performing the recited function at the following passages of the '319 patent:

- Shear truss layer/thin elastomeric truss layer in a comb structure (with or without fluids/gels). '319 patent, 6:25-31, 6:35-37; 8:39-46; 9:15-21.
- Fluids/smart fluids (including electro-rheological or magneto-rheological elements). '319 patent, 6:38-46, 6:56-63, 6:47-55, 6:56-63.
- Conical structures, 3D pyramid or parabolic structures, or cylinders. '319 patent, 9:24-55.

		• Dampers. '319 patent, 10:58-60, 10:41-48, <i>see also id.</i> 2:28-32. • Or structural equivalents thereof.
"means to allow the middle shell layer to slide relative to the inner shell layer" '319 Patent, claims 6, 7, 8, 9, 11, 17, 18, 19, and 20	This claim limitation should be interpreted pursuant to 35 U.S.C. § 112(f). <u>Function</u>: "allow the middle shell layer to slide relative to the inner shell layer. <u>Structure</u>: "a loose or flexible connection (8:35-38, 10:36) directly or indirectly connecting shell layers (10:27-29) that allows up to several centimeters of sliding movement of one shell layer with respect to another" and equivalents.	This is a means-plus-function term, which should be construed under 35 U.S.C. § 112, ¶ 6 as follows: <u>Function</u>: "allowing the middle shell layer to slide relative to the inner shell layer" <u>Structure</u>: The structures described as performing the recited function at the following passages of the '319 patent: • Shear truss layer/thin elastomeric truss layer in a comb structure (with or without fluids/gels). '319 patent, 6:25-31, 6:35-37; 8:39-46; 9:15-21. • Fluids/smart fluids (including electro-rheological or magneto-rheological elements). '319

		patent, 6:38-46, 6:56-63, 6:47-55, 6:56-63. • Conical structures, 3D pyramid or parabolic structures, or cylinders. '319 patent, 9:24-55. • Dampers. '319 patent, 10:58-60, 10:41-48, <i>see also id.</i> 2:28-32. • Or structural equivalents thereof.
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C. Terms from Asserted Claims Revelyst Contends Are Indefinite

In the table below Revelyst identifies the following claim terms that it believes to be indefinite, thereby rendering invalid each of the corresponding claims identified in the table pursuant to 35 U.S.C. § 112. BrainGuard believes each of the below terms are not indefinite but rather have a customary meaning in the art known to a person of ordinary skill. The parties have met and conferred regarding the timing for addressing the alleged indefiniteness of the Asserted Claims identified below and mutually agree to address such issues at summary judgment, and/or at trial, rather than through claim construction briefing, so that the Court may benefit from a fully developed record.

Term	Patent(s)/Claim(s)
“outer energy transformer layer” and “inner energy transformer layer”	• '319 Patent, claims 11, 17-20
“first energy transformer layer”	• '561 Patent, claims 1, 7, 8, 9, 10, 16, and 17

	• '909 Patent, claims 1, 2, 5, 8, 9, 11, 12, 13, 16, 19, and 20
"second energy transformer layer"	• '561 Patent, claims 1, 7, 8, and 9
"first energy transformer"	• '536 Patent, claims 1, 7, 8, 9, 10, 16, 17, 18, and 19 • '635 Patent, claims 1, 2, 3, 4, 8, 9, 10, 11, 12, 17, 18, 19, and 20
"second energy transformer"	• '536 Patent, claims 1, 7, 8, 9, 18 and 19 • '635 Patent, claims 4, 12, and 20
"first absorptive/dissipative mechanism to allow the first layer to slide relative to the second layer" and "second absorptive/dissipative mechanism"	• '536 Patent, claims 18 and 19
"shear mechanism"	• '635 Patent, claims 1, 2, 3, 4, 8, 9, 10, 11, 12, 17, 18, 19, and 20 • '909 Patent, claims 1, 2, 5, 8, 9, 11, 12, 13, 16, 19, and 20
"shear mechanism ... wherein the shear mechanism includes a first energy transformer"	• '635 Patent, claims 1, 2, 3, 4, 8, 9, 10, 11, 12, 17, 18, 19, and 20
"shear mechanism is a shear layer"	• '635 Patent, claims 2-4, 10-12, and 18-20 • '909 Patent, claims 9 and 20
"shear layer is connected to the outer shell layer through the first energy transformer"	• '635 Patent, claims 3, 4, 11, 12, 19, 20
"The helmet of claim 1, further comprising a middle protective shell disposed between the outer protective shell and the inner protective shell"	• '909 Patent, claim 11

D. Agreed Upon Constructions

The parties agree that the remaining terms from each of the Asserted Claims not listed above should be given their plain and ordinary meaning.

Respectfully submitted,

Dated: July 25, 2025

By: /s/ Cristofer Leffler

Cristofer Leffler

FOLIO LAW GROUP PLLC

Attorneys for Plaintiffs

Dated: July 25, 2025

By: /s/ Amy Wigmore

Amy Wigmore

Wilmer Cutler Pickering Hale & Dorr LLP

Attorneys for Defendant

Pursuant to Civil L.R. 5-4.3.4(a)(2)(i), the filer attests that all other signatories listed, and on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.