

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

HAPPY PRODUCTS, INC.,

Plaintiff,

v.

ONTEL PRODUCTS CORPORATION

Defendant.

Civil Action No. 2:24-cv-09819-EP-JRA

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to the Court’s May 12, 2025 Order (D.I. 54) and Local Patent Rule 4.3(a) – (f), Plaintiff Happy Products, Inc. (“HPI”) and Defendant Ontel Products Corporation (“Ontel”) (together, the “Parties”) hereby provide the following Joint Claim Construction and Prehearing Statement.

(a) Agreed-Upon Claim Terms

There are no claim terms for which the Parties agree on a construction. However, pursuant to the meet-and-confer process, the Parties have reached agreement that no construction is necessary for two of the terms that were originally identified as needing construction. In addition, as shown in the attached Exhibit A, the Parties do agree on certain portions of the constructions of certain terms. For those terms, the proposed constructions indicate the extent to which the Parties do agree and the scope of any remaining disagreements.

(b) Disputed Claim Terms

Each Party's proposed construction of each disputed term together with an identification of all references from the intrinsic evidence that support that construction, and an identification of any extrinsic evidence known to the Party on which it intends to rely either to support its proposed construction or to oppose any other Party's proposed construction, are provided in Exhibit A hereto.

(c) Claim Terms Whose Construction Will Be Most Significant

The Parties identify below the terms whose construction will be most significant to the resolution of the case. The indicated numbers correspond to the entries in Exhibit A for the indicated terms.

- “solid interior” and “body” (terms #1 and #9)
- “viewing angle” / “a . . . viewing angle of the . . . back support” (term #5)
- “an edge angle” / “edge angle of” / “edge angle is” / “edge support angle is” (term #2)
- “plane angle” (term #3a)

The construction of these terms may be dispositive of infringement. Plaintiff cannot at this time currently state that the construction of any of these terms would be substantially conducive to promoting settlement. It appears to Defendant that construction of these terms may help in settlement.

(d) Anticipated Length of Time Necessary for the Claim Construction Hearing

The Parties anticipate that the Claim Construction Hearing will take about half a day.

(e) Identification of Witnesses for the Claim Construction Hearing

The Parties do not anticipate calling any witnesses for the Claim Construction Hearing.

(f) Evidence Not Identified Under L. Pat. R. 4.2(a) Through 4.2(c)

Without conceding the sufficiency of each Parties' L. Pat. R. 4.2 disclosures or waiving any challenges thereto, the Parties state that no evidence is included herein or attached hereto other than as disclosed in the Parties' respective L. Pat. R. 4.2 Disclosures.

Dated: September 22, 2025

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EXHIBIT A

Presented herein are each party’s proposed construction of each disputed term (provided in the “Part 1” chart below), together with an identification of all references from the intrinsic evidence that support that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction or to oppose any other party’s proposed construction (provided in the “Part 2” chart below).

PART 1			
	Term (Claims ¹)	Plaintiff’s Proposed Construction (showing changes relative to the preliminary proposals)	Defendant’s Proposed Construction
1a	“solid interior” (1, 2, 8-10)	“an interior that is a contiguous piece of material (for example, foam) rather than a shredded or particulate material (for example, pillow feathers)”	“an interior that is one contiguous piece without any cavities or holes”
1b	“solid corners” (<u>17</u>)	“corners that are part of the solid interior”	“corners that are contiguous to the body, without any cavities or holes”
2a	“an edge angle” (1, 2, 8, <u>9</u> , 10, <u>12</u> , 13, 15-17, 19, <u>20</u> , 21, 27, <u>28</u> , 29)	“the angle between an edge support width and the ‘back support’ or ‘support back’ (whichever is recited in the claim) adjacent to that edge support”	Indefinite ² ; alternatively, “the angle formed where an edge support and the support back adjacent to that edge support intersect”
2b	“edge angle of” (<u>28</u> , 29) “edge angle is” (<u>10</u>)	“the angle between the edge support width and the back support is”	“the precise angle formed where an edge support and the support back adjacent to that edge support intersect”

¹ The parties list all the asserted claims that would be affected by an interpretation of the identified term. The asserted claims that actually recite the term (rather than merely depending from a claim that recites it) are identified with boldface and underline.

² The parties are willing to defer indefiniteness until later in the litigation, or to address indefiniteness as a matter of claim construction, pursuant to Your Honor’s preferences. The parties have sought Your Honor’s guidance in a currently filed letter. *See* ECF No. 83.

PART 1			
	Term (Claims ¹)	Plaintiff's Proposed Construction (showing changes relative to the preliminary proposals)	Defendant's Proposed Construction
2c	"edge support angle is" (<u>15</u> , 16)	[same as 2b]	Indefinite; alternatively, "the precise angle formed where an edge support and the support back adjacent to that edge support intersect"
3a	"plane angle" (<u>1</u> , 2, 8-10, <u>20</u> , 21, 27-29)	"the angle between a back support positioned to support a media device and the virtual plane or adjacent back support on which the media stand is resting"	Indefinite; alternatively, "the angle formed where the plane of a back support and a virtual plane intersect"
3b	"a plane of a . . . back support is at a . . . plane angle . . . to a . . . virtual plane between the top of a . . . back support counterclockwise to the . . . back support" (<u>1</u> , 2, 8-10, <u>20</u> , 21, 27-29)	[same as 3a]	Indefinite.
4	"support angle" (<u>12</u> , <u>13</u> , 15-17, 19)	"the angle between a back support positioned to support a media device and the virtual plane on which the media stand is resting"	Indefinite.
5a	"viewing angle" (<u>1</u> , 2, 8-10, <u>12</u> , 13, 15-17, 19, <u>20</u> , 21, 27-29)	"the angle of a vector normal to a back support or support back (whichever is recited in the claim) positioned to support a media device as defined in relation to the plane on which the media stand is resting"	Indefinite; alternatively, for claims 1 and 20, "an angle that is orthogonal (90 degrees) to the back support for a user" and for claim 12, "an angle that is orthogonal (90 degrees) to the support back for a user"

PART 1			
	Term (Claims ¹)	Plaintiff's Proposed Construction (showing changes relative to the preliminary proposals)	Defendant's Proposed Construction
5b	"a . . . viewing angle of the . . . back support" (<u>1</u> , 2, 8-10)	[Same as 5a]	Indefinite; alternatively "an angle that is orthogonal (90 degrees) to the support back for a user"
6	"a central axis" (<u>1</u> , 2, 8-10, <u>12</u> , 13, 15-17, 19, <u>20</u> , 21, 27-29)	"an imaginary line extending from one of the two ends to the other end, between the three back supports or support backs (whichever is recited in the claim), about which the apparatus can be rotated	"an imaginary line extending from the center of one of the two ends to the other end, between the three back supports (support backs)"
7	"edge support width is" (<u>16</u> , <u>19</u>); "an edge support width of" (<u>1</u> , 2, 8-10, <u>29</u>)	"a width of the edge support that facilitates the support of the media device is"	"an edge support width that precisely is"
8	"an outer edge of a . . . edge support counterclockwise to the . . . back support" (<u>1</u> , 2, 8-10, <u>20</u> , 21, 27-20)	"peripheral portion of edge support furthest away from or nearest the back support, where each edge support is facing the same direction around the central axis."	"the tip of the ledge of the edge support, wherein the face of the edge support faces right and where each edge support is facing the same direction"
9	"a body" (<u>12</u> , 13, 15-16, <u>17</u> , 19)	"a one-piece block or mass of matter distinct from other masses"	"a solid interior" (incorporating Ontel's construction of "solid interior")
10	"horizontal support" (<u>12</u> , 13, 15-17, 19)	"a thing having top portions on which the apparatus can rest (for example, a tabletop or a person's lap)"	"a support on which the apparatus rests"
11	"a surface of an interior" (<u>20</u> , 21, 27-29)	"an outer part of the interior"	"an outer surface of a solid interior"

PART 1			
	Term (Claims ¹)	Plaintiff's Proposed Construction (showing changes relative to the preliminary proposals)	Defendant's Proposed Construction
12	"virtual plane" (<u>1</u> , 2, 8-10, <u>12</u> , <u>13</u> , 15-17, 19, <u>20</u> , 21, 27-29)	"an imaginary plane configured from (i) the top of the back support of one side and (ii) the outermost edge of the edge support of the adjacent side when the apparatus rests on it"	"an imaginary plane configured from (i) the top of the back support of one side and (ii) the outer edge of the edge support of the adjacent side when the apparatus rests on it"

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
1a	“solid interior” (1, 2, 8-10)	'479 Patent: Abstract; 2:34-35; 3:1-14 (or portions there-of); 3:16-18; 4:35-40; Figures 1, 3, 4. 61/896,540: Oct. 28, 2013	Flipy Tablet Pillow materials produced at HPI- ONTEL 0000713-18.	'479 patent, Abstract, 3:1-15; '443 Application, prosecution history (ONTEL_000304-ONTEL_000398). '737 Application, prosecution history (HPIONTEL0000317-HPIONTEL0000405).	U.S. Patent Application Publication No. 015/0115124 A1 (ONTEL_000019-ONTEL_000026) AU 2010/100703 A4 (ONTEL_000253-ONTEL_000259) IPEVO PadPillow Pillow Stand (ONTEL_000273-ONTEL_000277) Taiwanese Patent No. TWD144562S1 (ONTEL_000177- ONTEL_000187; ONTEL_000510- ONTEL_000520)

³ The parties list all the asserted claims that would be affected by an interpretation of the identified term. The asserted claims that actually recite the term (rather than merely depending from a claim that recites it) are identified with boldface and underline.

⁴ For all identified terms, as provided in Ontel's L. Pat. R. 4.2(b)-(c) disclosures, Ontel's extrinsic evidence includes the following documents in addition to those recited: Defendant's Noninfringement and Invalidity Contentions, materials cited in Defendant's Noninfringement and Invalidity Contentions, Plaintiff's Infringement and Validity Contentions, materials cited in Plaintiff's Infringement and Validity Contentions and produced during discovery in this case, and all evidence cited or relied upon by Plaintiff, including the materials cited in Plaintiff's disclosures, pursuant to L. Pat. R. 4.2(a)-(c). For every identified term, Defendant may also rely on publications and expert testimony from Steven R. Schmid, Ph.D., including regarding the technical background and the state of the art, credentials and experience of a person of ordinary skill in the art, the meaning of and how a person of ordinary skill in the art would understand the claim term/phrase consistent with Defendant's proposed claim construction, the intrinsic record, and other extrinsic evidence, and rebuttal to any of Plaintiff's experts' opinions. For every identified term, Defendant may further rely upon the use of any intrinsic evidence, extrinsic evidence, and/or expert-witness testimony cited by Plaintiff to rebut Plaintiff's arguments concerning its proposed construction.

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
		Specification at 1. 15/192,737: Jan. 6, 2017, Notice of Allowance at 1. 16/262,797: Jan. 23, 2020 Response at 20.		'797 Application, prosecution history (HPIONTEL0000027-HPIONTEL0000316). U.S. Provisional Application No. 61/896540 (ONTEL_000299-ONTEL_000303)	U.S. Patent No. 1,928,806 (ONTEL_000014-ONTEL_000018) U.S. Design Patent No. D696,258 (ONTEL_000228- ONTEL_00023) U.S. Design Patent No. 365,461 (ONTEL_000164-ONTEL_000166) U.S. Design Patent No. 362,565 (ONTEL_000264-ONTEL_000265) U.S. Patent Application Publication No. 2003/0001063 (ONTEL_000170- ONTEL_000176) FACET Pyramid iPad Stand (ONTEL_000108-ONTEL_000163) Merriam Webster's, Collegiate® Dictionary, 11th Ed. at 1187 (ONTEL_000539- ONTEL_000544.) Concise Oxford English Dictionary, 12th Ed. at 1374. (ONTEL_000545- ONTEL_000550)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
1b	"solid corners" (17)	'479 Patent: Abstract; 2:34-35; 3:1-14 (or portions thereof); 3:16-18; 4:35-40; 6:33-36; Figures 1, 2, 3, 4. 61/896,540: Oct. 28, 2013 Specification at 1; Appendix. 15/192,737: Jan. 6, 2017, Notice of Allowance at 1. 16/262, 797: Jan. 23, 2020 Response at 20-21.	Flipy Tablet Pillow materials produced at HPI- ONTEL 0000713-18 Documents produced at HPI- ONTEL 0000605-48	'479 patent, Abstract, 3:1-15; '797 Application, prosecution history (HPI- ONTEL0000027-HPI- ONTEL0000316). '737 Application, prosecution history (HPI- ONTEL0000317-HPI- ONTEL0000405) at Notice of Allowability.	U.S. Patent Application Publication No. 015/0115124 A1 (ONTEL_000019- ONTEL_000026) AU 2010/100703 A4 (ONTEL_000253- ONTEL_000259) IPEVO PadPillow Pillow Stand (ONTEL_000273- ONTEL_000277) Taiwanese Patent No. TWD144562S1 (ONTEL_000177-ONTEL_000187; ONTEL_000510-ONTEL_000520) U.S. Patent No. 1,928,806 (ONTEL_000014- ONTEL_000018) U.S. Design Patent No. D696,258 ("Padilla 2013") U.S. Design Patent No. 365,461 (ONTEL_000164-ONTEL_000166) U.S. Design Patent No. 362,565 (ONTEL_000264-ONTEL_000265) U.S. Patent Application Publication No. 2003/0001063 (ONTEL_000170-ONTEL_000176)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
					Merriam Webster's, Collegiate® Dictionary, 11th Ed. at 1187. (ONTEL_000539-ONTEL_000544) Concise Oxford English Dictionary, 12th Ed. at 1374. (ONTEL_000545-ONTEL_000550)
2a	"an edge angle" (<u>1</u>, 2, 8, <u>9</u>, <u>10</u>, <u>12</u>, 13, 15-17, 19, <u>20</u>, 21, 27, <u>28</u>, 29)	'479 Patent: 1:19-23; 2:47-49; 2:56-62; 3:26-31; 3:64-4:3; 4:4-7; 4:13-17; Figures 1-4. 61/896,540: Oct. 28, 2013 Appendix, including the figures therein. 16/262,797: Jan. 23, 2020 Response at 10; Dec. 16, 2020	Flipy Tablet Pillow materials produced at HPI-ONTEL 0000713-18. Documents produced at HPI-ONTEL 0000504-19.	'479 patent, Fig. 2 [140a, 140b, 140c], 3:64-65; '443 Application, prosecution history (ONTEL_000304-ONTEL_000398). '737 Application, prosecution history (HPI-ONTEL0000317-HPI-ONTEL0000405). '797 Application, prosecution history (HPI-	U.S. Patent Application Publication No. 015/0115124 A1 (ONTEL 000019-ONTEL_000026) Taiwanese Patent No. TWM419,961U (ONTEL_000188-ONTEL_000205; ONTEL_000521-ONTEL_000538) U.S. Patent No. 4,274,616 (ONTEL 000260-ONTEL_000263) U.S. Patent Application No. 2015/0189781 A1 (ONTEL_000211-ONTEL_000220) U.S. Design Patent No. D703,216 S (ONTEL_000206-ONTEL_000210) U.S. Design Patent No. 365,461 (ONTEL_000164-ONTEL_000166)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
		Response at 8-9, 11.		ONTEL0000027-HPI-ONTEL0000316).	U.S. Design Patent No. 362,565 (ONTEL_000264-ONTEL_000265) U.S. Patent Application Publication No. 2003/0001063 (ONTEL_000170-ONTEL_000176) FACET Pyramid iPad Stand (ONTEL_000108-ONTEL_000163) U.S. Patent No. 1,928,806 (ONTEL_000014-ONTEL_000018) Merriam Webster's, Collegiate® Dictionary, 11th Ed. at 48. (ONTEL_000539-ONTEL_000544) Concise Oxford English Dictionary, 12th Ed. at 50. (ONTEL_000545-ONTEL_000550) Collins Dictionary, 11th Ed. at 62. (ONTEL_000551-ONTEL_000553)
2b	"edge angle of" (28, 29) "edge angle is" (10)	<i>See 2a</i>	<i>See 2a</i>	'479 patent, Fig 2 (140a, 140b, 140c); 3:64-65; '443 Application, prosecution history	U.S. Patent Application Publication No. 015/0115124 A1 (ONTEL_000019-ONTEL_000026)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
				(ONTEL_000304-ONTEL_000398). '737 Application, prosecution history (HPI-ONTEL0000317-HPI-ONTEL0000405). '797 Application, prosecution history (HPI-ONTEL0000027-HPI-ONTEL0000316).	Taiwanese Patent No. TWM419,961U (ONTEL_000188-ONTEL_000205; ONTEL_000521-ONTEL_000538) U.S. Patent No. 4,274,616 (ONTEL_000260-ONTEL_000263) U.S. Patent Application No. 2015/0189781 A1 (ONTEL_000211-ONTEL_000220) U.S. Design Patent No. D703,216 S (ONTEL_000206-ONTEL_000210) U.S. Design Patent No. 365,461 (ONTEL_000164-ONTEL_000166) U.S. Design Patent No. 362,565 (ONTEL_000264-ONTEL_000265) U.S. Patent Application Publication No. 2003/0001063 (ONTEL_000170-ONTEL_000176) FACET Pyramid iPad Stand (ONTEL_000108-ONTEL_000163) U.S. Patent No. 1,928,806 (ONTEL_000014-ONTEL_000018)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
					Merriam Webster's, Collegiate® Dictionary, 11th Ed. at 48. (ONTEL_000539-ONTEL_000544) Concise Oxford English Dictionary, 12th Ed. at 50. (ONTEL_000545-ONTEL_000550) Collins Dictionary, 11th Ed. at 62. (ONTEL_000551-ONTEL_000553)
2c	"edge support angle is" (<u>15</u> , 16)	<i>See 2a</i>	<i>See 2a</i>	'797 Application, prosecution history (HPI-ONTEL0000027-HPI-ONTEL0000316).	U.S. Patent Application Publication No. 015/0115124 A1 (ONTEL_000019-ONTEL_000026) Taiwanese Patent No. TWM419,961U (ONTEL_000188-ONTEL_000205; ONTEL_000521-ONTEL_000538) U.S. Patent No. 1,928,806 (ONTEL_000014-ONTEL_000018) U.S. Patent No. 4,274,616 (ONTEL_000260-ONTEL_000263) U.S. Patent Application No. 2015/0189781 A1 (ONTEL_000211-ONTEL_000220)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
					U.S. Design Patent No. D703,216 S (ONTEL_000206-ONTEL_000210) U.S. Design Patent No. 365,461 (ONTEL_000164-ONTEL_000166) U.S. Design Patent No. 362,565 (ONTEL_000264-ONTEL_000265) U.S. Patent Application Publication No. 2003/0001063 (ONTEL_000170-ONTEL_000176) Merriam Webster's, Collegiate® Dictionary, 11th Ed. at 48. (ONTEL_000539-ONTEL_000544) Concise Oxford English Dictionary, 12th Ed. at 50. (ONTEL_000545-ONTEL_000550) Collins Dictionary, 11th Ed. at 62. (ONTEL_000551-ONTEL_000553)
3a	"plane angle" (<u>1</u> , 2, 8-10, <u>20</u> , 21, 27-29)	'479 Patent: 1:19-23, 2:22-48; 3:53-60; Figures 1, 2, 4.	Prior art identified by Ontel in its Invalidity Contentions:	'479 patent, Fig. 2 [120a, 120b, 120c], 3:31-48, 3:59-63; '443 Application, prosecution	U.S. Patent Application Publication No. 2015/0115124 A1 (ONTEL_000019-ONTEL_000026) AU 2010/100703 A4 (ONTEL_000253-ONTEL_000259)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
		61/896,540: Oct. 28, 2013 Specification at page 1; Appendix. 16/262,797: Aug. 24, 2020 Appeal Brief at 9-12, 13, 14, 15, 32.	- o Baek at Abstract, [0009], Figs. 12 and 13, [0062]- [0064], [0068]- [0070] - o Huang at Abstract - o Diebel 2011 at 8:14-60 - o Diebel 2013 at Abstract, 2:47-48, 2:66-67, Figs. 5A-5b, 7a-7d; 5:57- 67, Table A, 6:65-7:7, 7:22-29, - o Padilla 2014 at Abstract,	- history (ONTEL_000304- ONTEL_000398). '737 Application, prosecution history (HPI- ONTEL0000317- HPI- ONTEL0000405). '797 Application, prosecution history (HPI- ONTEL0000027- HPI- ONTEL0000316).	- IPEVO PadPillow Pillow Stand (ONTEL_000273- ONTEL_000277) - South Korean Patent No. KR2013/0005409 A (ONTEL_000001-ONTEL_000013; ONTEL_000497-ONTEL_000509) - Taiwanese Patent No. TWD144562S1 (ONTEL_000177-ONTEL_000187; ONTEL_000510-ONTEL_000520) - Taiwanese Patent No. TWM419,961U (ONTEL_000188-ONTEL_000205; ONTEL_000521-ONTEL_000538). - U.S. Patent No. 1,928,806 (ONTEL_000014- ONTEL_000018) - U.S. Patent No. 4,274,616 (ONTEL_000260- ONTEL_000263) - U.S. Patent No. 8,424,831 (ONTEL_000221- ONTEL_000227) - U.S. Patent No. 8,960,421 (ONTEL_000031- ONTEL_000072) - U.S. Patent No. 9,226,559 (ONTEL_000073- ONTEL_000107)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
			[0008], [0021] Documents produced at HPI- ONTEL 0000504– 19.		U.S. Design Patent No. D703,216 S (ONTEL_000206-ONTEL_000210) U.S. Patent No. 6,196,512 B1 (ONTEL_000266- ONTEL_000272) U.S. Design Patent No. 365,461 (ONTEL_000164- ONTEL_000166) U.S. Design Patent No. 362,565 (ONTEL_000264- ONTEL_000265)
3b	“a plane of a . . . back support is at a . . . plane angle . . . to a . . . virtual plane between the top of a . . . back support counterclockwise to the . . . back support” (1, 2, 8- 10, <u>20</u> , 21, 27- 29)	<i>See 3a</i>	<i>See 3a</i>		

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
4	"support angle" (<u>12</u> , <u>13</u> , 15-17, 19)	'479 Patent: 1:55-56; 2:22-25; 2:41-46; 3:3- 16; 3:33; 3:59-63; 5:48-59; Figures 1, 3, 4. 61/896,540: Oct. 28, 2013 Specification at page 1; Appendix. 16/262,797: Aug. 24, 2020 Appeal Brief at 9-12.	Flipy Tablet Pillow materials produced at HPI- ONTEL 0000713- 18. Prior art identified by Ontel in its Invalidity Contentions: o Baek at Abstract, [0009], Figs. 12 and 13, [0062]- [0064], [0068]- [0070] o Huang at Abstract o Diebel 2011 at 8:14-60	'797 Application, prosecution history (HPI- ONTEL0000027- HPI- ONTEL0000316).	U.S. Patent Application Publication No. 2015/0115124 A1 (ONTEL_000019- ONTEL_000026) AU 2010/100703 A4 (ONTEL_000253- ONTEL_000259) IPEVO PadPillow Pillow Stand (ONTEL_000273- ONTEL_000277) South Korean Patent No. KR2013/0005409 A (ONTEL_000001-ONTEL_000013; ONTEL_000497-ONTEL_000509) Taiwanese Patent No. TWD144562S1 (ONTEL_000177-ONTEL_000187; ONTEL_000510-ONTEL_000520) Taiwanese Patent No. TWM419,961U (ONTEL_000188-ONTEL_000205; ONTEL_000521-ONTEL_000538). U.S. Patent No. 1,928,806 (ONTEL_000014- ONTEL_000018) U.S. Patent No. 4,274,616 (ONTEL_000260- ONTEL_000263)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
			- o Diebel 2013 at Abstract, 2:47-48, 2:66-67, Figs. 5A-5b, 7a-7d; 5:57-67, Table A, 6:65-7:7, 7:22-29, - o Padilla 2014 at Abstract, [0008], [0021] - Documents produced at HPI-ONTEL 0000504-19.		- U.S. Patent No. 8,424,831 (ONTEL_000221-ONTEL_000227) - U.S. Patent No. 8,960,421 (ONTEL_000031-ONTEL_000072) - U.S. Patent No. 9,226,559 (ONTEL_000073-ONTEL_000107) - U.S. Design Patent No. D703,216 S (ONTEL_000206-ONTEL_000210) - U.S. Patent No. 6,196,512 B1 (ONTEL_000266-ONTEL_000272) - U.S. Design Patent No. 365,461 (ONTEL_000164-ONTEL_000166) - U.S. Design Patent No. 362,565 (ONTEL_000264-ONTEL_000265)
5a	“viewing angle” (<u>1</u> , 2, 8-10, <u>12</u> , 13, 15-17, 19, <u>20</u> , 21, 27-29)	'479 Patent: Abstract; 2:22-46; 2:48-49; 2:63-66; 3:16-25; 3:22-25;	Prior art identified by Ontel in its Invalidity Contentions:	'479 patent, Fig 2 (160a, 160b, 160c); 2:42-46, 2:63-66, 4:19-27; '443 Application, prosecution	- U.S. Patent Application Publication No. 2015/0115124 A1 (ONTEL_000019-ONTEL_000026) - FACET Pyramid iPad Stand (ONTEL_000108-ONTEL_000163)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
		3:59-63; 4:18-34; Figures 1, 3, 4. '479 Patent Hile History: • May 19, 2020 Response at 14 • Aug. 24, 2020 Appeal Br. at 5, 14, 22 61/896,540: Oct. 28, 2013 Specification at page 1; Appendix. 16/262,797: Jan. 6, 2017 Notice of Allowance at 1. 16/262,797: Jan. 30, 2019,	o Baek at Abstract, [0009], Figs. 12 and 13, [0062]- [0064], [0068]- [0070] o Huang at Abstract o Diebel 2011 at 8:14-60 o Diebel 2013 at Abstract, 2:47-48, 2:66-67, Figs. 5A-5b, 7a-7d; 5:57- 67, Table A, 6:65-7:7, 7:22-29, o Padilla 2014 at Abstract,	history (ONTEL_000304- ONTEL_000398). '737 Application, prosecution history (HPI- ONTEL0000317- HPI- ONTEL0000405). '797 Application, prosecution history (HPI- ONTEL0000027-HPI- ONTEL0000316).	

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
		Preliminary Amendment at 2, 4, 6-7; May 19, 2020 Response at 10-12, 14, 16-17; Aug. 24, 2020 Appeal Brief at 5-6, 9-12, 13, 15.	[0008], [0021] Documents produced at HPI-ONTEL 0000504-19.		
5b	"a . . . viewing angle of the . . . back support" (1, 2, 8-10)	<i>See 5a</i>	<i>See 5a</i>	'479 patent, Fig 2 (160a, 160b, 160c); 2:42-46, 2:63-66, 4:19-27; '443 Application, prosecution history (ONTEL_000304-ONTEL_000398). '737 Application, prosecution history (HPI-ONTEL0000317-HPI-ONTEL0000405). '797 Application,	U.S. Patent Application Publication No. 2015/0115124 A1 (ONTEL_000019-ONTEL_000026) FACET Pyramid iPad Stand (ONTEL_000108-ONTEL_000163)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
				prosecution history (HPI-ONTEL0000027-HPI-ONTEL0000316).	
6	"a central axis" (<u>1</u> , 2, 8-10, <u>12</u> , 13, 15-17, 19, <u>20</u> , 21, 27-29)	'479 Patent: 2:47-50; 3:15-31; 4:13-31; 5:64-6:6; Figures 1, 3, 4. 61/896,540: Specification at 1; Appendix. 14/518,443: November 13, 2015, Response at 7-10. 16/262,797: Jan. 23, 2020 Response at 15-20; Feb. 6, 2020,	Flipy Tablet Pillow materials produced at HPI-ONTEL 0000713-18. Documents produced at HPI-ONTEL 0000520-43, 0000583-604.	'479 patent, Figs. 1, 2 [125], 2:49-50; 3:29-31. '443 Application, prosecution history (ONTEL_000304-ONTEL_000398). '737 Application, prosecution history (HPIONTEL0000317-HPIONTEL0000405). '797 Application, prosecution history (HPIONTEL0000027-HPIONTEL0000316).	U.S. Patent Application Publication No. 2015/0115124 A1 (ONTEL_000019-ONTEL_000026) U.S. Patent No. 1,928,806 (ONTEL_000014-ONTEL_000018) U.S. Design Patent No. D696,258 (ONTEL_000228- ONTEL_000235) U.S. Patent No. 3,746,296 (ONTEL_000027-ONTEL_000030)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
		Interview Summary; Aug. 24, 2020, Appeal Brief at 5-6, 12, 32.			
7	"edge support width is" (<u>16</u> , <u>19</u>); "an edge support width of" (<u>1</u> , 2, 8-10, <u>29</u>)	'479 Patent: 3:67-4:3; 4:55-58; 5:59-61; 6:50-54. 61/896,540: Oct. 28, 2013 Specification at 1; Appendix. 15/192,737: Jan. 6, 2017, Notice of Allowance at 2.	Flipy Tablet Pillow materials produced at HPI-ONTEL 0000713-18.	'479 patent, 4:2-3, claims 1-2, 8-10, 16, 19, 29; '443 Application, prosecution history (ONTEL_000304-ONTEL_000398). '737 Application, prosecution history (HPI-ONTEL0000317-HPI-ONTEL0000405). '797 Application, prosecution history (HPI-ONTEL0000027-HPI-	U.S. Patent Application Publication No. 015/0115124 A1 (ONTEL_000019-ONTEL_000026).

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
				ONTEL0000316).	
8	“an outer edge of a . . . edge support counterclockwise to the . . . back support” (1, 2, 8-10, <u>20</u> , 21, 27-20)	479 Patent: 3:26-47; Figures 1, 2, 4. 61/896,540: Oct. 28, 2013 Specification at 1; Appendix. 16/262, 797: Jan. 23, 2020 Response at 8, 13-18, 20; May 19, 2020 Response at 10-12; Aug. 24, 2020 Appeal Brief at 5-8, 14-16; Dec. 16, 2020 Response at 11-12.	Flipy Tablet Pillow materials produced at HPI-ONTEL 0000713–18.	'479 patent, Fig. 2 [110a, 110b, 110c], 3:31-48; '443 Application, prosecution history (ONTEL 000304-ONTEL_000398). '737 Application, prosecution history (HPI-ONTEL0000317-HPI-ONTEL0000405). '797 Application, prosecution history (HPI-ONTEL0000027-HPI-ONTEL0000316).	U.S. Patent Application Publication No. 2015/0115124 A1 (ONTEL_000019-ONTEL_000026) FACET Pyramid iPad Stand (ONTEL_000108-ONTEL_000163) Taiwanese Patent No. TWD144562S1 (ONTEL_000177-ONTEL_000187; ONTEL_000510-ONTEL_000520) Taiwanese Patent No. TWM419,961U (ONTEL_000188-ONTEL_000205; ONTEL_000521-ONTEL_000538). U.S. Patent No. 3,746,296 (ONTEL_000027-ONTEL_000030). U.S. Patent No. 9,424,831 (ONTEL_000221-ONTEL_000227) U.S. Patent Application Publication No. 2015/0189781 A1(ONTEL_000211-ONTEL_000220) U.S. Design Patent No. D703,216 (ONTEL_000206-ONTEL_000210)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
					U.S. Patent Application Publication No. 2003/0001063 (ONTEL_000170-ONTEL_000176) U.S. Design Patent No. 365,461 (ONTEL_000164-ONTEL_000166) U.S. Design Patent No. 362,565 (ONTEL_000264-ONTEL_000265)
9	"a body" (<u>12</u> , 13, 15-16, <u>17</u> , 19)	'479 Patent: Abstract; 3:1-5; 61/896,540: Appendix. 16/262,797: Jan. 23, 2020 Response at 20.	Documents produced at HPI-ONTEL 0000544-82.	'479 patent, Abstract, 3:1-15; '797 Application, prosecution history (HPI-ONTEL0000027-HPI-ONTEL0000316). '737 Application, prosecution history (HPI-ONTEL0000317-HPI-ONTEL0000405) at Notice of Allowability.	U.S. Patent Application Publication No. 015/0115124 A1 (ONTEL_000019-ONTEL_000026) AU 2010/100703 A4 (ONTEL_000253-ONTEL_000259) IPEVO PadPillow Pillow Stand (ONTEL_000273-ONTEL_000277) Taiwanese Patent No. TWD144562S1 (ONTEL_000177-ONTEL_000187; ONTEL_000510-ONTEL_000520) U.S. Patent No. 1,928,806 (ONTEL_000014-ONTEL_000018) U.S. Design Patent No. D696,258 ("Padilla 2013")

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
					U.S. Design Patent No. 365,461 (ONTEL_000164-ONTEL_000166) U.S. Design Patent No. 362,565 (ONTEL_000264-ONTEL_000265) U.S. Patent Application Publication No. 2003/0001063 (ONTEL_000170-ONTEL_000176) FACET Pyramid iPad Stand (ONTEL_000108-ONTEL_000163) Merriam Webster's, Collegiate® Dictionary, 11th Ed. at 1187. (ONTEL_000539-ONTEL_000544) Concise Oxford English Dictionary, 12th Ed. at 1374. (ONTEL_000545-ONTEL_000550)
10	"horizontal support" (<u>12</u> , 13, 15-17, 19)	'479 Patent: 2:28-31; 2:41-44; 3:15-16; 4:20-27; Figures 1, 4. 61/896,540: Oct. 28, 2013	Flipy Tablet Pillow materials produced at HPI-ONTEL 0000713-18.	'479 patent, claims 12-13, 15-17, 19, 2:42-44, 4:22-27; '797 Application, prosecution history (HPI-ONTEL0000027-HPI-	U.S. Patent Application Publication No. 2015/0115124 A1 (ONTEL 000019-ONTEL_000026) FACET Pyramid iPad Stand (ONTEL_000108-ONTEL_000163)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
		Specification at 1. 16/262, 797: May 19, 2020 Response at 10-12; August 24, 2020 Appeal Brief at 14-16.		ONTEL0000316).	South Korean Patent No. KR2013/0005409 A (ONTEL_000001-ONTEL_000013; ONTEL_000497-ONTEL_000509) U.S. Patent No. 1,928,806 (ONTEL_000014-ONTEL_000018) U.S. Patent No. 8,424,831 (ONTEL_000221-ONTEL_000227) U.S. Patent No. 8,960,421 (ONTEL_000031-ONTEL_000072) U.S. Patent No. 9,226,559 (ONTEL_000073-ONTEL_000107) U.S. Patent No. 6,196,512 B1 (ONTEL_000266-ONTEL_000272) U.S. Design Patent No. 365,461 (ONTEL_000164-ONTEL_000166) U.S. Design Patent No. 362,565 (ONTEL_000264-ONTEL_000265) U.S. Patent Application No. 2014/0076748 (ONTEL_000236-ONTEL_000247)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
11	"a surface of an interior" (<u>20</u> , 21, 27-29)	'479 Patent: Abstract; 3:1-14. 61/896,540: Appendix. 16/262,797: Jan. 23, 2020 Response at 20.	Flipy Tablet Pillow materials produced at HPI-ONTEL 0000713-18 Documents produced at HPI-ONTEL 0000684-712	'479 patent, Abstract, Fig. 3 (165), 3:1-15; '797 Application, prosecution history (HPI-ONTEL0000027-HPI-ONTEL0000316). '737 Application, prosecution history (HPI-ONTEL0000317-HPI-ONTEL0000405) at Notice of Allowability.	U.S. Patent Application Publication No. 015/0115124 A1 (ONTEL_000019-ONTEL_000026) AU 2010/100703 A4 (ONTEL_000253-ONTEL_000259) IPEVO PadPillow Pillow Stand (ONTEL_000273-ONTEL_000277) Taiwanese Patent No. TWD144562S1 (ONTEL_000177-ONTEL_000187; ONTEL_000510-ONTEL_000520) U.S. Patent No. 1,928,806 (ONTEL_000014-ONTEL_000018) U.S. Design Patent No. D696,258 ("Padilla 2013") U.S. Design Patent No. 365,461 (ONTEL_000164-ONTEL_000166) U.S. Design Patent No. 362,565 (ONTEL_000264-ONTEL_000265) U.S. Patent Application Publication No. 2003/0001063 (ONTEL_000170-ONTEL_000176)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
					FACET Pyramid iPad Stand (ONTEL_000108-ONTEL_000163) Merriam Webster's, Collegiate® Dictionary, 11th Ed. at 1187, 1257. ONTEL_000539-ONTEL_000544) Concise Oxford English Dictionary, 12th Ed. at 1374, 1450. (ONTEL_000545-ONTEL_000550)
12	“virtual plane” (<u>1</u> , 2, 8-10, <u>12</u> , <u>13</u> , 15-17, 19, <u>20</u> , 21, 27-29)	'479 Patent: 2:63-67; 3:31-48; 4:13-17; 4:61-5:7; 5:67-6:6; 6:57-7:3; Figures 2, 4. 61/896,540: Oct. 28, 2013 Specification at page 1; Appendix. 16/262,797: Jan. 23, 2020 Response at	Flipy Tablet Pillow materials produced at HPI- ONTEL 0000713–18	'479 patent, Fig. 2 [130a, 130b, 130c], 3:31-48; '443 Application, prosecution history (ONTEL_000304- ONTEL_000398). '737 Application, prosecution history (HPI- ONTEL0000317- HPI- ONTEL0000405).	U.S. Patent Application Publication No. 2015/0115124 A1 (ONTEL_000019- ONTEL_000026) FACET Pyramid iPad Stand (ONTEL_000108- ONTEL_000163) South Korean Patent No. KR2013/0005409 A (ONTEL_000001-ONTEL_000013; ONTEL_000497-ONTEL_000509) U.S. Patent No. 1,928,806 (ONTEL_000014- ONTEL_000018) U.S. Patent No. 8,424,831 (ONTEL_000221- ONTEL_000227)

PART 2					
		Plaintiff's Evidence		Defendant's Evidence	
	Term (Claims ³)	Intrinsic	Extrinsic	Intrinsic	Extrinsic ⁴
		13-16; May 19, 2020 Response at 10-12; Aug. 24, 2020 Appeal Brief at 5-6, 9-12, 13, 15.		'797 Application, prosecution history (HPI- ONTEL0000027- HPI- ONTEL0000316).	U.S. Patent No. 8,960,421 (ONTEL_000031- ONTEL_000072) U.S. Patent No. 9,226,559 (ONTEL_000073- ONTEL_000107) U.S. Patent No. 6,196,512 B1 (ONTEL_000266- ONTEL_000272) U.S. Design Patent No. 365,461 (ONTEL_000164- ONTEL_000166) U.S. Design Patent No. 362,565 (ONTEL_000264- ONTEL_000265) U.S. Patent Application No. 2014/0076748 (ONTEL_000236- ONTEL_000247) Merriam Webster's, Collegiate® Dictionary, 11 th Ed. at 947. (ONTEL_000539-ONTEL_000544) Concise Oxford English Dictionary, 12 th Ed. at 1096. (ONTEL_000545-ONTEL_000550)

As set forth in the attached Exhibit A (excerpts from Plaintiff's L. Pat. R. 4.2(c) disclosures, Plaintiff specifically disputes the sufficiency of certain evidence relied upon and/or cited by Ontel as non-compliant with the requirements of the Local Patent Rules. Ontel disagrees with Plaintiff's position. Ontel fully complied with L. Pat. R. 4.2(b) and (c) to identify intrinsic and extrinsic evidence that support its construction and/or to oppose HPI's proposed construction. *See, e.g., Warner Chilcott Lab'ys Ireland Ltd. v. Impax Lab'ys, Inc.*, Nos. 08-6304 (WJM), 09-0228 (WJM), 09-0469 (WJM), 09-1233 (WJM), 09-2073 (WJM), 2010 WL 339034, at *3 (D.N.J. Jan. 22, 2010).