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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

THERABODY, INC.,
Plaintiff,
v.
HYPER ICE, INC.,
Defendant.

Case No. 8:26-cv-00003-JWH-KES

**DEFENDANT'S PATENT L.R. 4-1
PROPOSED TERMS FOR
CONSTRUCTION**

Judge: Hon. John W. Holcomb

Pursuant to Patent L.R. 4-1 and the Court's Case Management Order, Defendant Hyper Ice, Inc. ("Hyperice") hereby provides the following proposed terms for construction.

These proposed terms are based on Hyperice's current knowledge and understanding of U.S. Patent No. 12,396,919 ("the '919 Patent") (the "Asserted Patent"), the prior art, Plaintiff Therabody, Inc.'s ("Therabody") existing infringement contentions, and Hyperice's present understanding of Therabody's perceived scope of the Asserted Patent and the relevant claim terms. These proposed terms are also based on the understanding that "[a] determination that a claim term . . . has the 'plain and ordinary meaning' may be inadequate when a term has more than one 'ordinary'

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1 meaning or when reliance on a term's 'ordinary' meaning does not resolve the parties'
2 dispute." *O2 Micro Int'l Ltd. v. Beyond Innovation Tech. Co.*, 521 F.3d 1351, 1361
3 (Fed. Cir. 2008).

4 Hyperice reserves the right to supplement, amend, or otherwise modify these
5 proposed terms if further clarification (*e.g.*, modified infringement contentions) and/or
6 additional information becomes available.

7 The terms of the Asserted Claims of the '919 Patent that Hyperice presently
8 contends should be construed by the Court, consistent with Hyperice's Petition for
9 Post-Grant Review of U.S. Patent No. 12,396,919 (PGR2026-00051, Paper No. 2), are
10 as follows:

- 11 • "transverse"
- 12 • "offset"

13 Hyperice reserves the right to request constructions of all or part of any claim
14 terms, phrases, and/or clauses requested by Therabody to be construed.

15
16 DATED: August 10, 2026

PROCOPIO, CORY, HARGREAVES &
SAVITCH LLP

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19 By: /s/Benjamin Herbert
20 Benjamin Herbert

21 WOMBLE BOND DICKINSON (US) LLP

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23 Kyle W. Kellar

24 Attorneys for Defendant
25 Hyper Ice, Inc.

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CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is PROCOPIO, CORY, HARGREAVES & SAVITCH LLP, 525 "B" Street, Suite 2200, San Diego, California 92101. On August 10, 2026, I served the within documents:

DEFENDANT'S PATENT L.R. 4-1 PROPOSED TERMS FOR CONSTRUCTION

- ☒ **BY E-MAIL OR ELECTRONIC SERVICE** based upon court order or an agreement of the parties to accept service by electronic transmission, by electronically mailing the document(s) listed above to the e-mail address(es) set forth below, or as stated on the attached service list and/or by electronically notifying the parties set forth below that the document(s) listed above can be located and downloaded from the hyperlink provided. No error was received, within a reasonable time after the transmission, nor any electronic message or other indication that the transmission was unsuccessful.

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- ☒ *(Federal)* I declare under penalty of perjury under the laws of the United States that foregoing is true and correct.

Executed on August 10, 2026, at San Diego, California.


Barb Young