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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

THERABODY, INC.,

Plaintiff,

v.

HYPER ICE, INC.,

Defendant.

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

PLAINTIFF'S PATENT L.R. 4-2 PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE

Therabody EX2019
Hyper Ice v. Therabody
PGR2026-00051

Pursuant to Patent L.R. 4-2(a) and 4-2(b), the Court's Case Management Order (ECF 39), and agreement of the parties, Therabody, Inc. ("Therabody") hereby provides the following Preliminary Claim Constructions and Evidence for U.S. Patent No. 12,396,919 ("the '919 Patent").

These constructions are based on Therabody's current knowledge and understanding of the '919 Patent, the prior art, Defendant's Invalidity Contentions and document production, and Therabody's present understanding of Defendant's perceived scope of the '919 Patent and relevant claim terms. Accordingly, Therabody reserves the right to supplement, amend, or otherwise modify these preliminary constructions, including the associated evidence, as further clarification and/or additional information becomes available.[1,2] Therabody further reserves the right to modify its claim construction positions based on the Court's constructions or rulings on any related patents, including but not limited to U.S. Patent Nos. 11,931,174, 12,097,161, 12,193,840, or any other patents claiming priority, directly or indirectly, from U.S. Patent No. 10,959,674.

Term/Phrase	**Preliminary Construction and Evidence**
"transverse to" Claim 1	plain and ordinary meaning, which is "non-parallel" **Evidence:** • '919 Patent: 14:49-55, 15:21-29, 22:61-23:32 Figs. 1, 19-23A, 29-36; • PGR20026-00051, Paper 2, Petition, pp. 18-20; • PGR20026-00051, Ex. 1002, ¶¶ 76-79; • PGR20026-00051, Ex. 1018; and

[1] Nothing in this chart should be construed as an admission of any kind. Therabody reserves the right to rely upon additional passages that also may be applicable, or that may become applicable in light of changes in Defendant's invalidity contentions, or claim construction positions, and/or information obtained during discovery as the case progresses.

[2] Any citation to a figure should be understood to also include all description of that figure, and any citation to a description of a figure should be understood to also include the figure itself.

Term/Phrase	Preliminary Construction and Evidence
	• The American Heritage Dictionary of the English Language (4th ed., 2006) (*see* "transverse" and "transversal").
"offset" Claim 1	plain and ordinary meaning **Evidence:** • '919 Patent: 14:55-15:20; Figs. 21, 22A-B; • PGR20026-00051, Paper 2, Petition, pp. 20-21; • PGR20026-00051, Ex. 1002, ¶¶ 80-81; and • PGR20026-00051, Ex. 1020.

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

DATED: August 31, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2026, a true and correct copy of PLAINTIFF'S PATENT L.R. 4-2 PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE is being served by transmission via electronic mail to the following counsel of record for Defendant.

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