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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HUDDLESTON DELUXE, INC., a Nevada
Corporation,

Plaintiff,

vs.

ERIC SMITH, as an individual and dba SMITH
BAITS LLC and dba BAITSMITH LLC,

Defendant.

Case No. 5:16-cv-1546-HRL

**JOINT CLAIM CONSTRUCTION AND
PREHEARING STATEMENT AND
~~PROPOSED~~
CLAIM CONSTRUCTION ORDER**

Judge: Magistrate Judge Lloyd

Re: Dkt. 35

The parties have met and conferred and as a result of their meet and confer efforts, have agreed upon claim construction issues, as follows:

1. The parties agree that the term “polymer” shall be construed to mean a naturally occurring or synthetic chemical compound consisting of large molecules made up of a linked series of many repeated monomers, or small molecules.

2. The parties agree that the term “foam” shall be construed to mean a compound having many bubbles or voids filled with gas. The bubbles, or voids, may be linked to create continuous channels, constituting open cell foam, or each bubble or void may be entirely entrapped or surrounded by a solid compound, creating a closed cell foam.

3. The parties agree that all other terms in the patent shall be construed in accordance with their ordinary meaning.

As a result of these agreements, the parties agree that no terms require claim construction by the Court. The parties have included a [Proposed] Stipulated Claim Construction Order incorporating these constructions.

Dated: December 30, 2016

GCA LAW PARTNERS LLP

By: /s/ Kimberly A. Donovan
KIMBERLY A. DONOVAN

Attorneys for Plaintiff
HUDDLESTON DELUXE, INC.

Dated: December 30, 2016

THE CHEVALIER LAW FIRM

By: /s/ Quinn J. Chevalier
QUINN J. CHEVALIER

Attorneys for Defendant
Eric Smith

~~[PROPOSED]~~ STIPULATED CLAIM CONSTRUCTION ORDER

Based on the parties' agreements as set forth above, the Court hereby adopts a claim construction in this matter as follows:

1. The term "polymer" shall be construed to mean a naturally occurring or synthetic chemical compound consisting of large molecules made up of a linked series of many repeated monomers, or small molecules.
2. The term "foam" shall be construed to mean a compound having many bubbles or voids filled with gas. The bubbles, or voids, may be linked to create continuous channels, constituting open cell foam, or each bubble or void may be entirely entrapped or surrounded by a solid compound, creating a closed cell foam.
3. The parties agree that all other terms in the patent shall be construed in accordance with their ordinary meaning.
4. **The February 17, 2017 claim construction hearing is vacated.**
IT IS SO ORDERED.

Dated: January 4, 2017



THE HONORABLE HAROLD R. LLOYD
MAGISTRATE JUDGE HOWARD R. LLOYD
UNITED STATES DISTRICT COURT