IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

MAYFONK ATHLETIC, LLC,

       Plaintiff,

            v.

NIKE, INC.,

       Defendant.

No. 3:14-cv-00423-MO

OPINION AND ORDER

MOSMAN, J.,

On July 7, 2015, a claim construction hearing was held in the above-entitled patent

action. At issue are claim terms appearing in U.S. Patent Number 8,253,586 ("586 patent") and

U.S. Patent Number 8,860,584 ("584 patent"). The parties will provide the court with no more

than five pages of briefing, due by 5:00PM on Wednesday, July 22, 2015, concerning the proper

construction of the term "personal processing unit" in the '584 patent. In this Order and for the

reasons stated on the record, I announce my constructions of the following terms:

Claim Term	Construction
'586 patent	
"initializing by said computing unit at least one sensor	Providing for electrical power by

device and the computing unit, wherein said step of initializing comprises providing for the provision of electrical power" (claim 12)	the computing unit to at least one sensor and the computing unit.
"integrated" (claim 12)	*As agreed to by the parties*
"conditioning into a distance measurement an electrical signal corresponding to the time delay embedded in said sensor data" (claim 12)	*Plain and ordinary meaning*
"tracking said distance measurement for one or more discrete time intervals as period data" (claim 12)	*Plain and ordinary meaning*
'584 patent	
"activity programs"/ "activity program" (claims 21 and 23)	Software loaded on the computing unit that controls sensor data acquisition in connection with a particular athletic activity.
"in real time" (claims 3,4,6,9,12,13,15)	Without any delay beyond the inherent transmission, processing, or storage requirements described in the

	Patent.
"real time transmission" (claims 9, 12)	Without any delay beyond the inherent transmission, processing, or storage requirements described in the Patent.
"real time automated storage" (claim 21)	Without any delay beyond the inherent transmission, processing, or storage requirements described in the Patent.
"specifically paired, defined by at least one of a wired serial connection and wireless bonding which enables the computing unit to authenticate the identity of the external computing device prior to communicating electrical signals therewith" (claims 3 and 12)	Specifically paired, defined by at least one of: (1) a wired serial connection, or (2) a wireless bonding which enables the computing unit to authenticate the identity of the external computing device prior to communicating electrical signals therewith.
"personal processing unit" (claims 21, 23, 24 and 27)	*Under advisement*

"interactive subscriber communication" (claims 3 and 12)	*No construction necessary*

DATED this __7th__ day of July, 2015.

                                     /s/ Michael W. Mosman

                                     MICHAEL W. MOSMAN
                                     United States District Judge