

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

BRITAX CHILD SAFETY, INC.,
Plaintiff,

v.

No. 17-cv-2724

NUNA INTERNATIONAL B.V. and
NUNA BABY ESSENTIALS, INC.,
Defendants.

ORDER

AND NOW, this 23rd day of December, 2019, upon consideration of the parties' respective motions for claim construction, *see* ECF Nos. 69, 70, 76, 77, and following a hearing before the Undersigned on November 12, 2018 on the parties' motions, for the reasons set forth in the Opinion of this date, **IT IS HEREBY ORDERED THAT:**

1. The term "sitting surface," as used in claims 1 and 16 of the '074 patent, shall have the following construction: "a surface upon which to rest on the buttocks or haunches."
2. The term "proximal end," as used in claims 1 and 16 of the '074 patent, shall have the following construction: "end of the tensioning mechanism opposite the distal end."
3. The term "distal end," as used in claims 1 and 16 of the '074 patent, shall have the following construction: "end of the tensioning mechanism opposite to the proximate end."
4. The remainder of the claim terms shall have no construction beyond their plain and ordinary meaning.
5. Defendants' motion to have the Court find the following claim terms indefinite, is **DENIED, without prejudice:** "substantially adjacent," "proximate an intersection of the backrest portion and seat portion," "proximate an intermediate region of the seat portion," "generally at a middle of the seat portion in a forward and rearward direction," "generally at an intersection of the seat and backrest portions," "proximate to the second belt path," "proximate to the first belt path,"

and “proximate to the seat portion.” Defendants may reassert their arguments as to indefiniteness and these terms following the close of discovery by way of a motion for summary judgment.

6. The Clerk of the Court is directed to extinguish the gavel at docket entry no. 70 by denying the motion.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Court