

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHARLES SMITH ENTERPRISES, LLC,)
)
 Plaintiff,)
)
 v.) Civ. No. 21-1278-CFC
)
 CATAPULT SPORTS, INC.,)
)
 Defendant.)

CHARLES SMITH ENTERPRISES, LLC,)
)
 Plaintiff,)
)
 v.) Civ. No. 21-1279-CFC
)
 DVSPORT, INC.,)
)
 Defendant.)

ORDER

The parties shall file no later than February 22, 2023 proposed constructions of the following terms as used in the asserted patents: (1) customizable; (2) custom; (3) media; (4) timer object; (5) time reference; and (6) graphical user interface generator. If a party believes that a term should be given its plain and ordinary meaning, then the party needs to state what that plain and ordinary meaning is. The construction of each term must be *of the term*. Thus, it is not acceptable say that “media” should be construed as “media in an MPEG stream,”

see D.I. 55 at 13, as that begs the question “what does ‘media’ mean?” It is also not acceptable to construe a noun as a sentence or an adjective. See D.I. 55 at 29. Nouns should not be construed as anything other than nouns and adjectives should not be construed as anything other than adjectives. Finally, the parties’ submissions shall not contain any argument; they shall simply set forth the parties’ respective proposed constructions of the six terms in question.

Date: 2.1.23

Ch. J. Conolly
CHIEF JUDGE