UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BRK BRANDS, INC., and
GARY J. MORRIS, PH.D.,

Plaintiffs,

v.

NEST LABS, INC.,

Defendant.

Civil Action No.: 13-cv-7900

Honorable Richard A. Posner

LPR 4.2(f): JOINT CLAIM CONSTRUCTION CHART

Pursuant to Local Patent Rule 4.2(f), Defendant Nest Labs, Inc. and Plaintiffs BRK Brands, Inc. and Gary J. Morris, Ph.D. submit their Joint Claim Chart for U.S. Patent Nos. 6,144,310 ("'310 patent"), 6,600,424 ("'424 patent"), 6,784,798 ("'798 patent"), 7,158,040 ("'040 patent"), 6,323,780 ("'780 patent"), 6,377,182 ("'182 patent").

No.	Claim Term/ Phrase	Defendant's Proposed Construction	Plaintiffs' Proposed Constructions
1	"[tonal pattern includes][1] predetermined silent intervals" ('310: 14; '424: 1, 5; '798: 1; '040: 1) "predetermined tonal silent periods" ('424: 37) "[groups of tones are spaced apart by] silent, longer second time intervals" ('424: 7; '798: 19) "[some of the tones/groups of tones are spaced apart by a] first time interval [and wherein others of the tones are closer together]" ('424: 9; 780: 54) "periods of silence [in the tonal pattern]" ('424: 24) "periods of silence in said prescribed [audible tonal pattern]" ('780: 1, 12)	The silent intervals or periods between groups of tones for a given alarm type have the same duration. The maximum silent period is 1.5 seconds for smoke and 5 seconds for carbon monoxide	'310: 14; '424: 1, 5, 37; '798: 1; '040: 1; '780: 1, 4, 12: One or more silent periods of prescribed audible tonal patterns '424: 7; '798: 19: The time interval that occurs between groups of fire alarm indicating tones that is longer than the silent time period that occurs among the members of the groups '424: 9; 780: 54: A time interval that is distinguished from a second or other time interval '424: 24: A silent period
2	"outputs . . . an interleaved . . . [message] in a respective silent interval" ('310: 14; '040: 1) "emits . . . [message(s)] in respective silent intervals" ('424: 1, 5; '798: 10) "[message] . . . emitted in respective silent intervals" ('798: 1) "injects . . . [fire indicating word] into only the second	The same verbal message (of alarm type and/or location) is announced during each intergroup silent period	'310: 14; '040: 1: Outputs an audio representation of a respective one of the tonal patterns with an interleaved respective verbal alarm type message in a respective silent interval '424: 1, 5; '798: 10: Emits the audible tonal pattern and respectively emits the verbal alarm-type message in respective silent intervals '798: 1: The selected

[1] Bracketed language is provided for context, but is not part of the term to be construed.

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	time intervals [between groups of tones]" ('424: 7; '798: 19) "emits . . . [voice message] . . . during the periods of silence" ('424: 24) "[voice message] . . . is emitted during periods of silence" ('780: 1)		location message to be repetitively emitted in respective silent intervals '424: 7; '798: 19: Injects the stored fire indicating word into only the second time intervals between groups of fire alarm indicating tones '424: 24; '780: 1: Emits/[ted] during a silent period
3	"manually settable [location] specifying member [. . . whereby a user can specify a location]" ('424: 9) "selectable coding element [to define each detector's installation location]" ('424: 24) "selectable coding circuitry [to define the installation location]" ('780: 1) "circuitry to provide for the selection of [language type presentation of said pre-recorded messages]" ('780: 4) "circuit to provide for the selection of [language-type presentation]" ('780: 12) "alarm code selector [to define a voice information code]" ('780: 27)	User positionable hardware switch(es) or wire(s) (e.g., jumper(s)) and associated circuitry [for setting location or language, respectively]	'424: 9, 24; '780: 1, 4, 12: Hardware and/or programmable circuitry for user selection of [location / language type] '780: 27: Programmable circuitry [to define a voice information code]

No.	Claim Term/ Phrase	Defendant's Proposed Construction	Plaintiffs' Proposed Constructions
4	"selector to define a coded radio frequency signal" ('780: 27) "a settable system specifying element . . . for establishing a coded system specific identifier" ('780: 54)	User positionable hardware switch(es) or wire(s) (e.g., jumpers) and associated circuitry for selecting a unique code for wireless communications between detectors.	'780: 27: User adjustable circuitry for selecting a code for radio communications between detectors '780: 54: User adjustable circuitry coupled to the control circuit for establishing a unique identity of the system
5	"control electronics" ('310: 14; '040: 1; '798: 1; '424: 1, 5) "control element" ('798: 19; '424: 7) "electronic circuit" ('424: 37)	Discrete hardware elements that trigger the playing of voice messages during silent periods	'310: 14; '424: 1, 5, 7; '798: 1, 19; '040: 1: Hardware and/or programmable circuitry '424: 37: Programmable circuitry
6	"interconnecting a minimum of two environmental condition detectors forming an environmental condition detection system . . . interconnected detectors" ('424: 24)	The detectors have a wired connection to each other for transmitting and receiving alarm signals	Creating a wired communication path between condition detectors
7	"a processor programmed for retrieving a selected tonal alarm pattern and presenting same to the audible alarm" ('780: 6, 16)	The term is governed by 35 U.S.C. § 112, ¶ 6: **Function:** "retrieving a selected tonal alarm pattern and presenting same to the audible alarm" **Structure**: The '780 patent fails to disclose supporting structure for a programmed processor, such as the steps or operations the processor performs to accomplish the	This is not a means-plus-function claim limitation. A processor programmed with a set of instructions that receives input data and compares the input data to pre-selected threshold data values in memory for selecting tonal patterns indicative of a sensed condition and presents the selected tonal patterns to an

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		recited function; thus, this claim is invalid as indefinite	audible alarm
8	"substantially symmetrical in-flow and out-flow of ambient atmosphere" ('182: 1, 30) "facilitates a symmetrical inflow of ambient atmosphere into the sensor" ('182: 10)	The air flow paths are [substantially] the same from opposing sides and are not obstructed or redirected by other components, vanes or deflectors	Claims 1 and 30: [Housing provides] in-flow and out-flow of ambient atmosphere to and from the sensor in a substantially corresponding form Claim 10: [Housing] facilitates inflow of ambient atmosphere into the sensor in a corresponding form
9	"for atmospheric ingress and egress with a substantially planar flow path [through the housing adjacent to the interior surface]" ('182: 20)	The entrance and exit flow paths lie largely in two dimensions and are not vertically deflected or displaced by other components, vanes or deflectors	Such that atmosphere enters and exits the housing substantially parallel to the housing [and adjacent to the interior surface]

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2014, I electronically filed the foregoing **JOINT CLAIM CONSTRUCTION CHART** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all Counsel of Record.

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