

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

LIFEPORT SCIENCES LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 12-1791 (GMS)
	)	
ENDOLOGIX, INC.,	)	
	)	
Defendant.	)	
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LIFEPORT SCIENCES LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 12-1792 (GMS)
	)	
W.L. GORE & ASSOCIATES, INC.,	)	
	)	
Defendant.	)	

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS the *Markman* Claim Construction Hearing (“*Markman* Hearing”) in the above-captioned actions is scheduled for May 28, 2015, at 9:30 a.m. and, if necessary, May 29, 2015, at 1:00 p.m. (D.I. 24 at 3, C.A. No. 12-1791, D.I. 19 at 3, C.A. No. 12-1792);

WHEREAS the parties have completed claim construction briefing (D.I. 60-61, 63-64, C.A. No. 12-1791; D.I. 58, 60, 65-66, C.A. No. 12-1792) and submitted a Final Joint Claim Chart (D.I. 57, C.A. No. 12-1791; D.I. 54, C.A. No. 12-1792) listing the disputed claim terms of the patents-in-suit,<sup>1</sup> the parties’ proposed constructions for those disputed claim terms, and the

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<sup>1</sup> The patents asserted against both W.L. Gore & Associates, Inc. (“Gore”) and Endologix, Inc. (“Endologix”) are: U.S. Patent Numbers 5,489,295 (“’295 Patent”); 5,993,481 (“’481 Patent”); 6,302,906 (“’906 Patent”); 5,676,696 (“’696 Patent”); and 6,117,167 (“’167 Patent”). The patents asserted only against Gore are: 5,693,083 (“’083 Patent”); 6,221,102 (“’102 Patent”); 6,165,213 (“’213 Patent”); 5,718,724 (“’724 Patent”); 6,051,020 (“’020 Patent”); 6,156,064 (“’064 Patent”); and 5,716,365 (“’365 Patent”). The patent asserted only against Endologix is U.S. Patent No. 8,192,482 (“’482 Patent”).

undisputed claim terms for which the parties have agreed on constructions; and

WHEREAS, in order to streamline the presentation to the Court at the *Markman* Hearing, the parties have met and conferred and reached agreement regarding the disputed claim terms that will be presented and argued at the hearing and those disputed claim terms that will not be presented or argued at the hearing, but, instead, will be submitted on the briefing;

IT IS HEREBY STIPULATED AND AGREED by the parties, subject to the approval of the Court, that:

1. LifePort Sciences LLC (“LifePort”) and Endologix have agreed to a construction of plain and ordinary meaning for the following disputed claim term based on LifePort’s representation that its infringement contentions contained a typographical error and it is not accusing the proximal extension of the Endologix AFX stent graft as part of the “main tubular body” recited in Claim 1 of the ’295 Patent:

a. “main tubular body” (’295 Patent, Claim 1)<sup>2</sup>

2. Unless the Court has questions or wishes the parties to address these terms orally, the parties shall rest on their claim construction briefing and not present argument at the *Markman* Hearing regarding their proposed constructions for the following disputed claim terms:

a. “support means” (’295 Patent, Claim 8)

b. “marker means” (’295 Patent, Claim 8)

c. “engages and becomes secured within” (’696 Patent, Claims 4 and 5)

3. Unless the Court would prefer otherwise, the parties have agreed to argue the following terms from patents asserted against only Gore within the portion of the hearing involving both Gore and Endologix:

a. “attachment system” (’083 Patent, Claim 30)

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<sup>2</sup> This term was only proposed by Endologix.

b. "apices operating to exert an outwardly directed bias on the wire frame," ('102 Patent, Claims 90, 94, 98, 99, and 101)

4. Unless the Court would prefer otherwise, the parties have agreed to argue the following terms from claims of the '906 Patent that are asserted against only Gore within the portion of the hearing involving only Gore:

a. "portion having a different radiopacity" ('906 Patent, Claim 18)

b. "radiographic image" ('906 Patent, Claims 16-18, 20, and 21)

5. Unless the Court would prefer a different order, the parties have agreed to argue the disputed claim terms in the order listed in Exhibit A.

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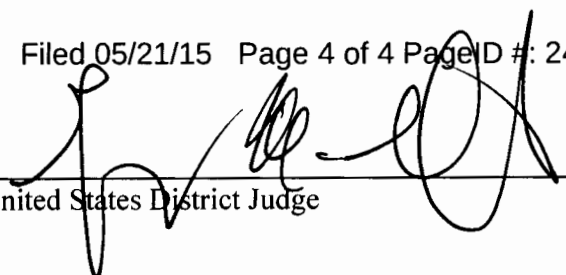
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*Attorneys for W.L. Gore & Associates, Inc.*

Dated: May 21, 2015

SO ORDERED this 21<sup>st</sup> day of May, 2015.



United States District Judge