

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SERTA SIMMONS BEDDING, LLC and
DREAMWELL, LTD.

Plaintiffs,

v.

CASPER SLEEP INC.

Defendant.

ORDER ON CLAIM CONSTRUCTION

Civil Action No. 17-cv-7468-AKH

ALVIN K. HELLERSTEIN, U.S.D.J.:


On January 25, 2018, the Court held a hearing in accordance with *Markman v. Westview Instruments, Inc.*, 52 F.3d 967 (Fed. Cir. 1995) (en banc), *aff'd* 516 U.S. 370 (1996), regarding U.S. Patent Nos. 7,424,763; 7,036,173; and 8,918,935. For the reasons stated on the record, I construct the patents as follows.

Term	Court's Construction
<p>"channel"</p> <p>('763 patent cls. 1, 4, 7, 8, 9, 10, 12; '173 patent cls. 5, 6; '935 patent cls. 10, 13)</p>	<p>"a long, narrow groove"</p>
<p>"within"</p> <p>('763 patent cls. 1, 4; '173 patent cl. 5)</p>	<p>No construction necessary.</p>
<p>"body"</p> <p>('763 patent cls. 1, 8, 9; '173 patent cls. 5, 6; '935 patent cl. 10)</p>	<p>"the entirety of the mattress"</p>

Term	Court's Construction
<p>“at least one of the top and bottom surfaces including a plurality of channels”</p> <p>(’763 patent, cl. 1)</p>	<p>No construction necessary.</p>
<p>“does not entirely fill the channel”</p> <p>(’935 patent, cl. 10)</p>	<p>No construction necessary.</p>
<p>“assembling the [plurality of] rectangular foam pieces to form the body having a channel in the region”</p> <p>(’763 patent, cl. 8; ’935 patent, cl. 10)</p>	<p>“assembling the [plurality of] rectangular foam pieces to form the body and to form a channel in the region”</p>
<p><i>order of steps</i></p> <p>(’763 patent, cl. 8; ’173 patent, cl. 5; ’935 patent, cl. 10)</p>	<p>The methods do not prescribe a sequence of operations.</p>

SO ORDERED

Dated: New York, New York
January 24, 2018


ALVIN K. HELLERSTEIN
United States District Judge