Joint Claim Construction Chart

Magpul Industries Corp. v. Mission First Tactical, LLC, Case No. 24-5551-KSM

Claim Terms for Construction	Magpul's Proposed Construction and Citations to Intrinsic Evidence[1]	MFT's Proposed Construction and Citations to Intrinsic Evidence
[1] "guide rails" (all asserted claims)	Rails positioned on the inside surfaces of the magazine casing's lateral sidewalls, designed to guide and stabilize the follower to facilitate reliable ammunition feeding. <u>Intrinsic Evidence</u> Written Description: • Col. 4, lines 39–44 ("The body also has two lateral guide rails 31 extending through the body 10. The guide rails 31 are flattened in front and angular towards the rear so as to present a more solid surface for the follower to abut and to guide cartridges as they travel through the magazine body 10."). Figures: • Fig. 8 at 31 (showing lateral guide rails integrated within the magazine casing sidewalls). • Fig. 12 (illustrating the position and orientation of guide rails relative to the follower and tines). Prosecution History: • '543 Patent, Applicant's Remarks, Amendment dated April 8, 2014, p. 7 ("Applicant's guide rails are structurally integral to the magazine casing sidewalls and specifically intended to interface with corresponding structures on the follower to stabilize follower movement."). • '086 Patent, Applicant's Remarks in Amendment dated December 11, 2014, p. 7 ("The claimed guide rails are specifically designed to stabilize and prevent or inhibit	Invalid as indefinite, lacking possession, and lacking enablement under 35 U.S.C. § 112. In the alternative, "ribs or protrusions." <u>Intrinsic Evidence</u> Abstract Col. 1, lines 60-63 Col. 2, lines 9-15 Col. 4, lines 39-52 Col. 4, line 64 to Col. 5, line 5 Figs. 1, 6-8, 19-22 Page 13 of June 21, 2016 OA Response Page 8 of October 1, 2010 OA Response MFT reserves the right to identify additional intrinsic evidence for rebuttal for each term.

[1] The parties' citations to the written description of the invention and figures are made relative to the '086 Patent, since the text of the disclosure, except for the priority claim and claims, are similar.

Joint Claim Construction Chart
Magpul Industries Corp. v. Mission First Tactical, LLC, Case No. 24-5551-KSM

	follower tilt by engaging with corresponding structures on the follower.”).	
[2] “[fore] tine” (all asserted claims)	A forward-projecting structure extending downward from the follower platform, designed to engage guide rails within the magazine casing to stabilize the follower if tilt occurs during vertical movement. <u>Intrinsic Evidence</u> Written Description: • Col. 5, lines 35-38 (“The follower 60 comprises a follower platform 62 and a forward-projecting fore tine 61 which extends downwardly and is configured to engage with guide rails 31 within the magazine body 10 to stabilize the follower 60 against tilting.”). • Col. 5, lines 41-43 (“[T]he fore tine 61 provides additional anti-tilt stabilization by interacting directly with the internal guide rails 31 of the magazine.”). Figures: • Fig. 10 at 61 (depicting fore tine). Prosecution History: • '543 Patent, Applicant’s Remarks, Amendment dated April 8, 2014, p. 8 (“The claimed tine configuration specifically engages internal guide rails within the magazine casing, stabilizing the follower against tilt and enhancing ammunition feeding reliability.”).	Invalid as indefinite, lacking possession, and lacking enablement under § 112. In the alternative, “a projection on the bottom-front of the follower platform comprising a front wall and two side walls in the shape of the follower platform.” <u>Intrinsic Evidence</u> Col. 4, lines 53-64 Col. 5, lines 1-5 Figs. 1, 6, 9-9e, 19-20, 23-30 Page 11 of June 21, 2016 OA Response Page 3-4 of October 9, 2014 OA Page 8 of December 11, 2014 OA Response Page 13 of June 21, 2016 OA Response

Joint Claim Construction Chart
Magpul Industries Corp. v. Mission First Tactical, LLC, Case No. 24-5551-KSM

	• '086 Patent, Applicant's Remarks in Amendment dated December 11, 2014, p. 7 ("[T]he tine structures disclosed by Applicant directly cooperate with internal guide rails within the magazine casing to significantly reduce or eliminate follower tilt."). • '086 Patent, Applicant's Remarks in Amendment dated December 11, 2014, p. 8 ("Unlike prior art designs cited by the Examiner, the claimed follower utilizes downwardly extending tine structures to engage guide rails, thus specifically addressing the problem of ammunition follower tilt.").	
[3] "a constant internal curve initiating at the second open end and continuing through a majority of the casing"	A continuous, unchanging internal curvature that starts at the second open end of the magazine casing and continues for more than half—but not the full length—of the casing. Intrinsic Evidence Written Description: • Col. 1, lines 38–44 ("Traditional magazines like those for the AK-47 have curved magazine wells, requiring curvature throughout the entire magazine casing. In contrast, magazines designed for rifles such as the AR-15, which have straight magazine wells, must incorporate a straight portion near the insertion end to properly fit into and engage with the firearm's straight magazine well.") • Col. 4, lines 32–36 ("[T]he magazine body 10 has an internal geometry including a constant curvature along a majority of its length, beginning at the second open end 15. This curvature is continuous and uniform, but does not extend the entire length of the magazine.").	Invalid as lacking possession and enablement under § 112. Intrinsic Evidence Col. 1, lines 43-52 Col. 6, lines 15-20 Figs 1-9e, 19-21, 23-30 Page 9 of April 2, 2018 OA Response Page 7 of March 4, 2013 OA Response Page 10 of June 24, 2011 OA Response Page 11 of October 1, 2010 OA Response

	• Col. 5, lines 5–9 ("Unlike prior art magazines with curvature along the entire casing, the present magazine's internal curve specifically extends only through a substantial portion of the magazine body to achieve smoother ammunition feeding and more reliable performance."). Figures: • Fig. 2 (depicting internal curvature). • Fig. 7 (cross-sectional view further illustrating the internal curvature). Prosecution History: • '543 Patent, Applicant's Remarks, Amendment dated April 8, 2014, p. 9 ("Applicant distinguishes prior art magazines by explicitly claiming a constant internal curvature that begins at the open end and extends through a substantial portion—but notably not the entirety—of the casing's length, achieving reliable ammunition feeding performance."). • '086 Patent, Applicant's Remarks in Amendment dated December 11, 2014, p. 8 ("Applicant emphasizes the claimed constant internal curve is clearly distinguished from prior art magazines by extending continuously through a majority, but notably not the entirety, of the casing's internal length. This structural limitation is critical to the improved feeding reliability and distinguishes the present invention from magazines having a full-length internal curve."). • '086 Patent, Applicant's Remarks, Amendment dated December 11, 2014, p. 9 ("Applicant distinguishes prior art curved magazines (*e.g.*, AK-47 magazines) which are necessarily curved through their entire length due to the curved magazine well of the firearm. Applicant's claimed magazine is specifically adapted for firearms with straight	

Joint Claim Construction Chart
Magpul Industries Corp. v. Mission First Tactical, LLC, Case No. 24-5551-KSM

	magazine wells (such as the AR-15), thus requiring the internal curvature to cease prior to the insertion end, allowing for reliable engagement.")	
[4] "stop tab" ('543, claim 20; '086 claim 16)	No construction necessary; plain and ordinary meaning as understood by a person of ordinary skill in the art of designing firearms and firearms accessories. To the extent that construction is required, the term "stop tab" means "a tab that prevents the follower from exiting the top of the magazine after the last round of ammunition has been fired." Intrinsic Evidence Written Description: • Abstract ("The follower and magazine casing are also designed to interface to prevent the follower from popping out of the feed end[.]" • Col. 5, lines 50–53 ("The follower 60 includes a stop tab 66 configured to engage the magazine body and prevent the follower from exiting through the second open end after the last ammunition round is fired."). • Col. 5, lines 55–58 ("The stop tab 66 thus limits upward movement of the follower 60, ensuring that it remains within the magazine casing after the magazine is emptied."). Figures: • Fig. 10 at 66 (depicting stop tab). Prosecution History: • '543 Patent, Applicant's Remarks, Amendment dated April 8, 2014, p. 9 ("The stop tab structure claimed by Applicant is	A tab or bump on the inside of the front wall of the magazine that is needed to prevent the follower from exiting the top of the magazine. In the alternative, "a protrusion on a ridge on the inside front wall of the magazine" Intrinsic Evidence Abstract Col. 4, lines 44-48 Col. 5, lines 6-17 Figs. 1, 6, 7, 8, 9-9e, 19, 21, 22, 23, 27 Page 9 of March 4, 2013 OA Response Page 12 of June 24, 2011 OA Response Pages 10-11 of October 1, 2010 OA Response

Joint Claim Construction Chart
Magpul Industries Corp. v. Mission First Tactical, LLC, Case No. 24-5551-KSM

	essential in preventing the follower from inadvertently exiting the magazine once ammunition rounds are exhausted."). • '086 Patent, Applicant's Remarks in Amendment dated December 11, 2014, p. 9 ("The claimed stop tab prevents the follower from inadvertently exiting the magazine once all ammunition rounds have been fired, distinguishing it from prior art followers lacking this structural feature.").	
[5] "ammunition magazine" (all asserted claims)	A spring-loaded device that stores and feeds ammunition into a firearm's chamber. <u>Intrinsic Evidence</u> Written Description: • Col. 1, lines 17-20 ("Ammunition magazines are used to store and feed ammunition rounds into firearms. Typically, these magazines are spring-biased to urge rounds upwardly toward the firearm's chamber."). • Col. 2, lines 25-27 ("A typical magazine includes a spring-loaded follower that moves within the magazine body to feed ammunition rounds toward the firearm's chamber."). Figures: • Fig. 1 (showing magazine body with internal spring). Prosecution History: • '543 Patent, Applicant's Remarks, Amendment dated April 8, 2014, p. 6 ("The invention specifically contemplates an ammunition magazine having an internal spring-loaded	An ammunition magazine that includes a ridge on an interior side of the front side. <u>Intrinsic Evidence</u> Abstract Col. 3, lines 61-64 Col. 4, lines 25-39 Col. 4, lines 53-59 Col. 5, lines 6-17 Col. 5, lines 40-42 Figs. 1, 6-8, 19, 21-22 Page 8 of March 4, 2013 OA Response

Joint Claim Construction Chart
Magpul Industries Corp. v. Mission First Tactical, LLC, Case No. 24-5551-KSM

	follower for reliably feeding ammunition into a firearm chamber.”). • '086 Patent, Applicant’s Remarks in Amendment dated December 11, 2014, p. 6 (“Applicant’s invention relates to an ammunition magazine which utilizes a spring-loaded follower to reliably feed ammunition rounds into the firearm's chamber.”).	
[6] “fore side” (all asserted claims)	Front wall of an ammunition magazine. <u>Intrinsic Evidence</u> Written Description: • Col. 4, lines 14–16 (“The magazine body 10 includes a fore side 20, which forms the front wall of the ammunition magazine, and a rear side 21.”). • Col. 4, lines 25–27 (“The fore side 20 is oriented toward the firearm barrel when the magazine is installed, defining the magazine's front wall.”). Figures: • Fig. 2 at 20 (illustrating the fore side). Prosecution History: • '543 Patent, Applicant’s Remarks, Amendment dated April 8, 2014, p. 6 (“Applicant clearly defines the fore side as the front wall oriented toward the firearm’s barrel when installed.”) • Applicant’s Remarks in Amendment dated December 11, 2014, p. 5 (“The claimed magazine includes a clearly defined	A front wall of the ammunition magazine that includes a ridge on the interior side. <u>Intrinsic Evidence</u> Abstract Col. 3, lines 61-64 Col. 4, lines 25-39 Col. 4, lines 53-59 Col. 5, lines 6-17 Col. 5, lines 40-42 Figs. 1, 6-8, 19, 21-22 Page 8 of March 4, 2013 OA Response

Joint Claim Construction Chart
Magpul Industries Corp. v. Mission First Tactical, LLC, Case No. 24-5551-KSM

	front wall, identified as the 'fore side', positioned to face toward the firearm's barrel upon installation.").	
[7] "inhibit rotation of the follower relative to the casing" ('543, claim 19; '086 claim 17)	No construction necessary; plain and ordinary meaning as understood by a person of ordinary skill in the art of designing firearms and firearms accessories. To the extent that construction is required, the term "inhibit rotation of the follower relative to the casing" means "limit or reduce rotation of the follower relative to the casing." <u>Intrinsic Evidence</u> Written Description: • Col. 4, lines 60–64 ("The interaction between the follower tines and guide rails inhibits rotation of the follower, reducing unwanted movement within the casing."). • Col. 5, lines 45–49 ("The interaction of the follower's tine or tines with the casing's internal structures does not fully prevent rotation, but significantly reduces or inhibits such rotation, allowing for stable ammunition feeding and reliable magazine function."). Figures: • Fig. 10 (showing follower and guide rails arrangement). Prosecution History: • '543 Patent, Applicant's Remarks, Amendment dated April 8, 2014, p. 7 ("The interaction between follower tines and the	Prevent rotation of the follower relative to the casing. <u>Intrinsic Evidence</u> Abstract Col. 2, lines 10-15 Col. 4, lines 53-65 Col. 5, lines 1-5 Figs. 1, 6, 9-9e, 19-20, 23-30 Page 11 of June 21, 2016 OA Response Page 3-4 of October 9, 2014 OA Page 8 of December 11, 2014 OA Response Page 13 of June 21, 2016 OA Response

	guide rails within the casing stabilizes the follower, reducing but not completely eliminating rotational movement."). • '086 Patent, Applicant's Remarks in Amendment dated December 11, 2014, p. 7 ("The claimed design restricts rotation of the follower but does not completely prevent it."). • '086 Patent, Applicant's Remarks, Amendment dated Dec. 11, 2014, p. 8 ("The claimed structures inhibit—but do not completely eliminate—follower rotation, achieving stability without overly restrictive or continuous contact.").	
[8] "at least one of the tines interfaces with the guide rails" ('543, claim 18)	At least one of the tines contacts or engages the guide rails intermittently as necessary—but not continuously—to prevent or correct tilt of the follower as it moves vertically within the magazine casing. Intrinsic Evidence Written Description: • Col. 5, lines 36–39 ("The tine structures of the follower are configured to interface with guide rails, thereby reducing tilt and rotation of the follower as it moves vertically through the magazine body."). • Col. 5, lines 23–26 ("One or more of the tines interacts intermittently with the guide rails to stabilize and maintain alignment of the follower, specifically when tilt occurs, without unnecessary or continuous friction."). • Col. 5, lines 40–43 ("Intermittent engagement between the tines and guide rails provides stability without excessive frictional resistance or impeding follower movement.").	At least one of the tines is in continuous contact with the guide rails. Intrinsic Evidence *See* citations for "guide rails" and "[fore] tine."

Joint Claim Construction Chart
Magpul Industries Corp. v. Mission First Tactical, LLC, Case No. 24-5551-KSM

	Figures: • Figs. 8 and 10 (illustrating positioning of tines relative to guide rails). Prosecution History ('086 Patent): • '543 Patent, Applicant's Remarks, Amendment dated April 8, 2014, p. 8 ("The tine and guide rail interaction does not require continuous engagement; instead, it occurs intermittently as needed, providing stability without significant frictional drag."). • '086 Patent, Applicant's Remarks, Amendment dated Dec. 11, 2014, p. 7 ("Applicant's claimed tine and guide rail interaction does not require continuous engagement, rather engagement occurs intermittently, specifically during events of follower tilt to ensure stability and functionality without frictional drag."). • Applicant's Remarks in Amendment dated December 11, 2014, p. 8 ("The tines interact with guide rails sufficiently to stabilize follower movement but avoid continuous frictional contact that would impede smooth follower travel.").	
[9] "one or more tines" ('086, claim 16)	The term "tines" means "projections extending downward from the follower that engage corresponding structures within the casing to stabilize the follower if tilt occurs during vertical movement through the casing." No additional construction is necessary beyond "tines"; "one or more" has a plain and ordinary meaning as understood by a person of ordinary skill in the art of designing firearms and firearms accessories.	The phrase "one or more [tines]" is invalid as lacking possession and enablement under § 112. In the alternative, a "tine" is "a vertical downward protrusion from the follower matching the contour of the adjacent sides of the magazine body." <u>Intrinsic Evidence</u> Col. 4, lines 53-64 Col. 5, lines 1-5

Joint Claim Construction Chart
Magpul Industries Corp. v. Mission First Tactical, LLC, Case No. 24-5551-KSM

	Intrinsic Evidence Written Description: • Col. 5, lines 16–19 (“Follower 16 includes at least two downwardly-extending tines that are shaped to engage with interior surfaces of the magazine body to reduce tilt.”). • Col. 5, lines 19–21 (“The number of tines may vary according to magazine design requirements and available internal geometry.”). • Col. 5, lines 54–58 (“The back tine 42 engages a slot or channel in the rear of the casing to help stabilize the follower's movement and prevent excessive tilt or rotation when such tilt occurs.”). Figures: • Fig. 2 (illustrating tines) • Fig. 10 (illustrating the positioning of tines and their proximity to casing structures). Prosecution History: • '543 Patent, Applicant’s Remarks, Amendment dated April 8, 2014, p. 8 (“The claimed tines are downwardly extending structures from the follower, designed to engage internal magazine structures primarily when follower tilt occurs, maintaining stability without unnecessary continuous friction.”). • '543 Patent, Applicant’s Remarks, Amendment dated April 8, 2014, p. 9 (“Applicant’s use of ‘one or more tines’ explicitly	Figs. 1, 6, 9-9e, 19-20, 23-30 Page 11 of June 21, 2016 OA Response Page 3-4 of October 9, 2014 OA Page 8 of December 11, 2014 OA Response Page 13 of June 21, 2016 OA Response

Joint Claim Construction Chart
Magpul Industries Corp. v. Mission First Tactical, LLC, Case No. 24-5551-KSM

	contemplates design flexibility based on the manufacturing or functional requirements of the magazine."). • '086 Patent, Applicant's Remarks in Amendment dated December 11, 2014, p. 8 ("The tines are designed to interact with casing structures primarily when the follower experiences tilt, ensuring stability without continuous or excessive friction.") • '086 Patent, Applicant's Remarks, Amendment dated Dec. 11, 2014, p. 9 ("Applicant notes the use of 'at least' is deliberate and intended to allow flexibility in the number of tines utilized, based upon specific design or manufacturing considerations.").	
[10] "generally perpendicularly" (all asserted claims)	No construction necessary; plain and ordinary meaning as understood by a person of ordinary skill in the art of designing firearms and firearms accessories. To the extent that construction is required, the term "generally perpendicularly" means "extending at a 90-degree angle, subject to standard manufacturing tolerances." <u>Intrinsic Evidence</u> Written Description: • Col. 5, lines 33–36 ("The tines extend downward from the follower generally perpendicularly, though minor deviations due to manufacturing processes may occur without impacting functionality."). • Col. 4, lines 60–63 ("[F]ollower tines and guide rails interact at approximately right angles to stabilize the follower, tolerating standard manufacturing variances.").	Invalid as indefinite under § 112. <u>Intrinsic Evidence</u> Col. 4, lines 53-64 Col. 5, lines 1-5 Figs. 1, 6, 9-9e, 19-20, 23-30 Page 11 of June 21, 2016 OA Response Page 3-4 of October 9, 2014 OA Page 8 of December 11, 2014 OA Response Page 8-9 of April 2, 2018 OA Response

	Figures: • Fig. 10 (illustrating perpendicular tines). Prosecution History: • '543 Patent, Applicant's Remarks, Amendment dated April 8, 2014, p. 8 ("The phrase 'generally perpendicularly' is intended to cover minor deviations from an exact 90-degree orientation, which are unavoidable and acceptable within standard manufacturing tolerances.") • '086 Patent, Applicant's Remarks in Amendment dated December 11, 2014, p. 7 ("The term 'generally perpendicularly' encompasses minor angular deviations that naturally result from standard manufacturing processes.").	