United States District Court,
D. Delaware.

**LEAPFROG ENTERPRISES, INC,**
Plaintiff.
v.
**FISHER-PRICE, INC. and Mattel, Inc,**
Defendants.

Civil Action No. 03-927-GMS

**April 7, 2005.**

Richard H. Morse, Young, Conaway, Stargatt & Taylor, Wilmington, DE, for Plaintiff.

Andre G. Bouchard, Bouchard, Margules & Friedlander, P.A., Wilmington, DE, John M. Seaman, Abrams & Laster LLP, Greenville, DE, for Defendants.

***ORDER CONSTRUING THE TERMS OF*** U.S. Patent No. 5,813,861

GREGORY M. SLEET**, District Judge.**

After considering the submissions of the parties and hearing oral argument on the matter, IT IS HEREBY ORDERED, ADJUDGED, and DECREED that, as used in claim 25 of U.S. Patent No. 5,813,861,

1. The term "housing" be construed as having its plain and ordinary meaning;

2. The term "switch" be construed as "a device for making, breaking, or changing the connections in an electrical circuit;"

3. The phrase "including a plurality of switches" be construed as "including two or more switches;"

4. The phrase "a sound production device in communication with the switches and including a processor and a memory" be construed as having its plain and ordinary meaning;

5. The phrase "a sequence of letters" be construed as "a word;"

6. The phrase "at least one depiction of a sequence of letters" be construed as "at least one depiction of a word;"

7. The phrase "each letter being associable with a switch" be construed as having its plain and ordinary meaning;

8. The term "reader" be construed as "a device for automatically detecting information encoded on the substrate on which the sequence of letters depicted;"

9. The phrase "configured to communicate the identity of the depiction to the processor" be construed as having its plain and ordinary meaning;

10. The phrase "selection of a depicted letter" be construed as "choosing a particular depicted letter from the depicted sequence of letters by contacting or coming into proximity to that particular depicted letter;"

11. The phrase "sound associated with the selected letter" be construed as "phoneme associated with the selected letter;"

12. The phrase "wherein selection of a depicted letter activates an associated switch to communicate with the processor" be construed as having its plain and ordinary meaning, but only to the extent that the plain and ordinary meaning is consistent with the court's construction of the phrase "selection of a depicted letter" in para. 10 above; and

13. The phrase "causing the sound production device to generate a signal corresponding to a sound associated with the selected letter, the sound being determined by a position of the letter in the sequence of letters" be construed as having its plain and ordinary meaning, but only to the extent that the plain and ordinary meaning is consistent with the court's construction of the phrase "sound associated with the selected letter" in para. 11 above.

D.Del.,2005.
Leapfrog Enterprises, Inc. v. Fisher-Price, Inc.

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