

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

INMUSIC BRANDS, INC,
Plaintiff,

v.

ROLAND CORP.,
Defendant.

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) C.A. No. 17-010-JJM-LDA
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ORDER

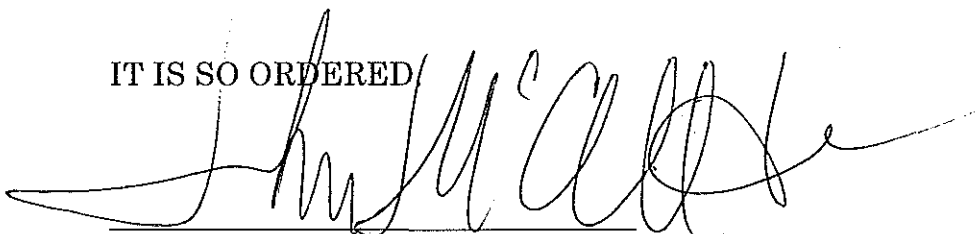
JOHN J. MCCONNELL, JR., United States District Judge.

InMusic Brands, Inc. filed a patent infringement action against Roland Corporation, alleging infringement of U.S. Patent Nos. 9,424,827 (Electronic Percussion Instrument with Enhanced Playing Area, the '827 Patent); 8,039,724 (Removeable Electronic Drum Head for an Acoustic Drum, the '724 Patent); and 8,785,758 (Electronic Hi-Hat Cymbal Controller, the '758 Patent). Both parties filed Claim Construction Briefs and the Court referred the matter to Magistrate Judge Lincoln D. Almond to conduct a *Markman* hearing. On June 12, 2019, issued the attached Report and Recommendation, construing the disputed claim terms. ECF No. 71.

After review of both parties' objections and conducting a de novo review, the Court finds the Magistrate Judge's reasoning to be thorough and persuasive. The Court therefore adopts the Report and Recommendation with one clarification as to the construction of the term "drum hoop" in the '724 Patent. The R & R recommended

that “drum hoop” does not need construction and should be given its plain and ordinary meaning. The R & R went on to suggest that “[i]t is commonly understood to be a hoop or rim used to hold a drumhead or drumskin against a drum shell or body.” ECF No. 71 at 11. In their briefing to this Court, both parties consent to using the plain and ordinary meaning, but agree that that meaning is not what the Magistrate Judge suggests it is commonly understood to be, but that which is found in the ‘724 specification in Figure 5, element 402. In light of the parties’ agreement on this term, the Court adopts the Magistrate Judge’s recommendation that “drum hoop” be given its plain and ordinary meaning, but clarifies that that meaning is in Figure 5, element 402 of the ‘724 Patent as agreed to by the parties.

IT IS SO ORDERED



John J. McConnell, Jr.
United States District Judge

August 2, 2019