

Arlington Industries' Markman Presentation

Arlington Industries, Inc. v. Bridgeport Fittings

Civil Action No. 3:CV-06-1105

TUTORIAL

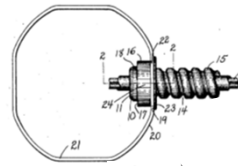
Old Threaded Nut Technology



Cable Tubing



Electrical Metal Tubing (EMT)



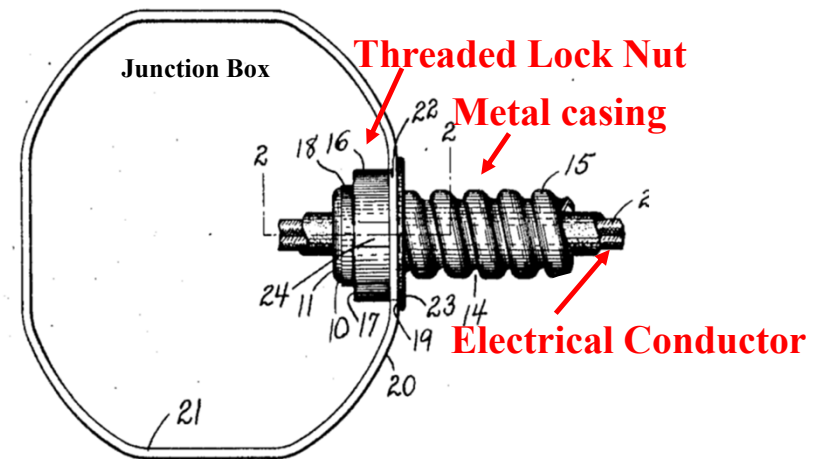
Threaded Nut



Electrical Junction Boxes

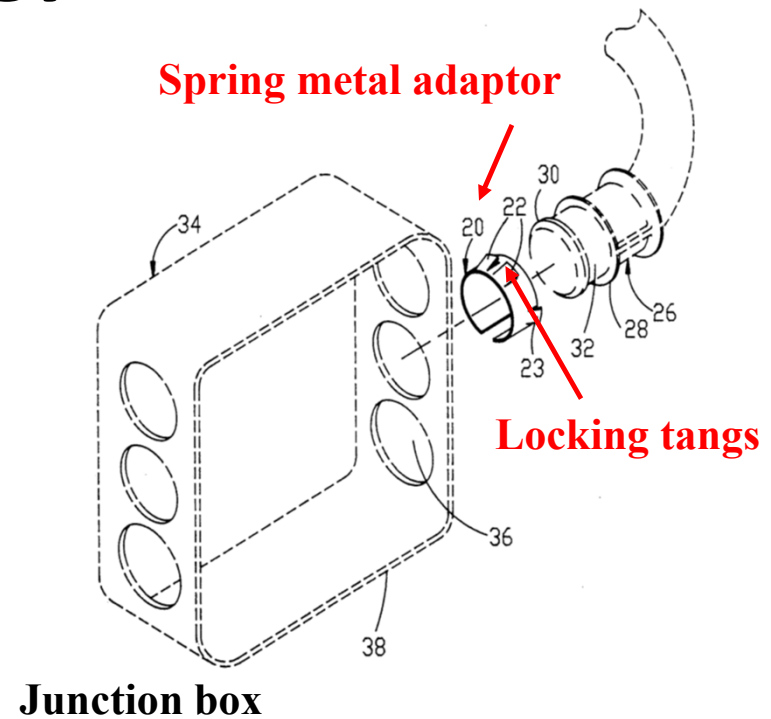
Old Threaded Nut Technology

- Use of Two Hands
- One Hand for the Tubing
- One Hand for Tightening the Threaded Nut
- Difficulty of Matching Threaded Lock to the Connector



Arlington's Invention: Threaded Nut Technology

- Spring Metal Adaptor Snaps into Place
- Only Need One Hand
- Not Difficult to Align



'050 Patent

Spring Metal Adaptor

Spring Metal Adaptor

Claim Terms and Phrases	Arlington's Proposed Construction	Bridgeport's Proposed Construction
"spring metal adaptor"	Ordinary meaning "adaptor made of spring metal"	Imports "split" limitation "split spring metal adaptor"

Claim 8

8. A quick connect fitting for an electrical junction box comprising:

- a hollow electrical connector through which an electrical conductor may be inserted having a leading end thereof for insertion in a hole in an electrical junction box;
- a circular spring metal adaptor surrounding said leading end of said electrical connector which has a leading end, a trailing end, and an intermediate body;
- at least two outwardly sprung members carried by said metal adaptor near said trailing end of said adaptor which engage the side walls of the hole in the junction box into which said adaptor is inserted;
- at least two spring locking members carried by said metal adaptor that spring inward to a retracted position to permit said adaptor and locking members to be inserted in a hole in an electrical junction box and spring outward to lock said electrical connector from being withdrawn through the hole; and
- an arrangement on said connector for limiting the distance said connector can be inserted into the hole in the junction box.

a circular **spring metal adaptor** surrounding said leading end of said electrical connector which has a leading end, a trailing end, and an intermediate body;

Ordinary Meaning and Intrinsic Evidence Support Arlington's Proposal

- Under *Phillips*, “the claims of a patent define the invention to which the patentee is entitled the right to exclude.” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir.2005) (en banc).
- The ordinary and customary meaning of “spring metal adaptor” is an adaptor made of spring metal.
- Construction supported by intrinsic evidence (specification): the spring metal adaptor “is typically... *formed from spring steel* such as SAE 1095 tempered spring steel or its equivalent.” – '050 patent at Col.3 11. 7-10 (emphasis added).

Bridgeport Agrees

Bridgeport admits that “[c]laim 8 of the ’050 Patent expressly recites that the *entire* adapter is made of ‘spring metal.’ ” J.A. 1751 (claim construction brief) (citing the spring metal adaptor term at col.10 l.35).

Bridgeport acknowledged that “the entire adaptor is ‘resilient’ by virtue of being formed from ‘spring metal.’ ” J.A. 2785 n.15 (claim construction rebuttal brief).

Bridgeport Wants to Import a “Split” Limitation

Bridgeport cannot point to a single disavowal of spring metal adaptors without splits

1. Argues that “spring” modifies “metal adaptor”

Inconsistent with Bridgeport’s admission that the adaptor is made of “spring metal”

2. Argues that “spring” connotes springing function -> **missing directional language from other claims terms**

‘050 Patent Claim 8

a circular spring metal adaptor surrounded said leading end of said electrical connector which has a leading end, a trailing end, and an intermediate body;

‘050 Patent Claim 8

at least two spring locking members carried by said metal adaptor that **spring inward** to a retracted position to permit said adaptor and locking members to be inserted in a hole in an electrical junction box and **spring outward** to lock said electrical connector from being withdrawn through the hole;

Bridgeport Wants to Import a “Split” Limitation

3. Argues that term should be limited to preferred embodiment in the patent

Only 1 of 4 embodiments described as having an “opening” that changes diameter to permit a spring action. Col.3 ll.20–27.

The preferred embodiment contains . . . [t]he circular metal spring adaptor 20 has an opening that results from not forming a complete circle. When the outward-bent tangs or spring locking members are bent inward to permit the adaptor to be inserted in a hole, there is also a slight reduction in the diameter by the opening narrowing, therefore, there are two spring actions involved during insertion.

Martek Biosciences Corp., “even where a patent describes only a single embodiment, ***claims will not be read restrictively unless the patentee has demonstrated a clear intention*** to limit the claim scope using words of expressions of manifest exclusion or restriction.”

Though drawings show incomplete circle, drawings need not show full scope of invention. *MBO Labs., Inc. v. Becton, Dickinson*.

Split Argument Discounts Substantive Claim Differences

- Claim 8 omits “less than a complete circle” limitation. '050 patent col.9 11.26-27, col.10 11.28-53.
- Unlike the adaptor of claim 1, the spring metal adaptor of claim 8 can be either a complete circle or incomplete circle.

'050 Patent Claim 1

a circular spring metal adaptor surrounding said leading end of said electrical connector which has a leading end, a trailing end, and an intermediate body;

said circular spring metal adaptor being less than a complete circle that is of a relaxed diameter less than the diameter of the hole into which it is to be inserted with said spring locking members extending radially outward beyond the diameter of the hole into which they are to be inserted; and

'050 Patent Claim 8

a circular spring metal adaptor surrounding said leading end of said electrical connector which has a leading end, a trailing end, and an intermediate body;

Split Argument Discounts Substantive Claim Differences

- Independent claim 12 of the parent '164 patent recites “a split circular spring metal adaptor.”
- Unlike the adaptor of claim 12, the spring metal adaptor of claim 8 can be either split or not split.

Missing “split”

'050 Patent Claim 8

a circular spring metal adaptor surrounding said leading end of said electrical connector which has a leading end, a trailing end, and an intermediate body;

Bridgeport's Prosecution History Argument Misplaced

- Claim 8 of the '050 patent issued from the combination of the originally filed claims 1 and 2, which did not contain a split.
 - Claim 8 matches claim 1 ***before it was amended*** to include a “less than a complete circle” limitation combined with the originally-filed claim 2.
- The '050 patent, which is a continuation of the '164 patent, made no disclaimer to alter the meaning of “spring metal adaptor.”

Originally filed '164 Claims 1 and 2

1. A quick connect fitting for an electrical junction box comprising:

a hollow electrical connector through which an electrical conductor may be

inserted having a leading end thereof for insertion in a hole in an electrical junction box;

a circular spring metal adaptor surrounding said leading end of said electrical connector which also has a leading, and a trailing end, and an intermediate body;

at least two spring locking members carried by said metal adaptor that spring inward to a retracted position to permit said adaptor and locking member to be inserted in a hole in an electrical junction box and spring outward to lock said electrical connector from being withdrawn through the hole; and

an arrangement on said connector for limiting the distance said connector can be inserted into the hole in the junction box.

2. The quick connect fitting of claim 1 which further includes:

at least two outwardly sprung members carried by said metal adaptor near said trailing end of said adaptor which engage the side walls of the hole in the junction box which said adaptor is inserted.

Issued '050 Claim 8

8. A quick connect fitting for an electrical junction box comprising:

a hollow electrical connector through which an electrical conductor may be

inserted having a leading end thereof for insertion in a hole in an electrical junction box;

a circular spring metal adaptor surrounding said leading end of said electrical connector which also has a leading, and a trailing end, and an intermediate body;

at least two spring locking members carried by said metal adaptor that spring inward to a retracted position to permit said adaptor and locking member to be inserted in a hole in an electrical junction box and spring outward to lock said electrical connector from being withdrawn through the hole; and

an arrangement on said connector for limiting the distance said connector can be inserted into the hole in the junction box.

at least two outwardly sprung members carried by said metal adaptor near said trailing end of said adaptor which engage the side walls of the hole in the junction box into which said adaptor is inserted.

Bridgeport Wants to Import a “Split” Limitation

Relying on expert testimony, argues that the only way a circular metal adaptor could physically fit over the raised shoulder of the connector is if the adaptor contains an opening in its circumference.

- But claim 8 unlike dependent claim 7 **does not require shoulder.**
- Dr. Rahn: a continuous adaptor could be “press-fit” onto the connector. Thus, **a “split” is not required in order to enable a POSITA to practice the invention.**

Spring Metal Adaptor

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Thank You!