



UNIVERSITY OF
MARYLAND
SCHOOL OF LAW

**PATENT LAW
UPDATE**

***Rexnord Corp.
v.
Laitram Corp.***

No. 00-1395
Federal Circuit
Nov. 15, 2001

“When words used in claims have more than one possible meaning, our canons of claim interpretation are the tools that permit resolution of disputes as to the correct meaning of claim language.”

On November 15, 2001, the Federal Circuit reversed and remanded the district court’s summary judgment that Laitram did not infringe U.S. Patent No. 5,634,550. The patented technology related to a device used in the bottling and packaging processes of the beverage industry to transfer articles between an upstream conveyor and a downstream conveyor oriented at ninety-degree angles with respect to each other. The Federal Circuit noted:

The dispositive question in this case is whether the word “portion” as used in the claims of the ‘550 patent should be limited to parts of an object that are “separate,” as opposed to parts that can be either “separate” or “integral.” . . . Cases presenting issues of claim interpretation are often close. When words used in claims have more than one possible meaning, our canons of claim interpretation are the tools that permit resolution of disputes as to the correct meaning of claim language. In this case, the district court recognized that the word “portion” could be defined, from the perspective of dictionary sources.

[T]he plain, ordinary meaning of “portion” included two possible readings--parts that were “separable from the whole” and parts that were “not separated from the whole.” Instead of giving the term the full range of its ordinary meaning (which would encompass both readings), the district court incorrectly concluded that the term was uncertain. Upon considering the intrinsic evidence, the district court determined in the first instance that the term should be construed to have the narrower meaning of “separate” parts. In doing so, the district court relied solely on the preferred embodiment in the written description and its drawings (which admittedly reads on the narrower meaning of the key word) and on one passage from the prosecution history. Concerning the latter, the district court concluded that the examiner’s objection during prosecution to a particular paragraph structure used in an original claim implied that the examiner viewed the “portions” to be separate pieces. [T]he district court erred in its assessment of the written description and of the prosecution history. [T]he prosecution history is inconclusive regarding the proper interpretation of the word “portion.” If read as the district court did, the examiner’s comments make no sense; if read properly to require clarification that the “link module portion” and the “cantilevered portion” have equal status, the examiner’s comments support a broad reading of “portion.” [W]e may presume that the examiner gave the terms in the proposed claim their “broadest reasonable interpretation consistent with the specification,” since he was obliged to do so. . . .

In the end, we have a term, “portion,” that is unambiguous in encompassing meanings of both “integral” and “separate.” When the invention is being described in the specification (as opposed to when the preferred embodiment is being described), we have two distinct embodiments distinguished from one other embodiment. With the score two to one (i.e., two embodiments broadly defined as opposed to one narrowly described), the embodiments not restricted to “separate” structures must be understood to refer to a single structure that includes both the “link module” and “cantilevered” portions.