# TECHNOLOGY LAW UPDATE

***Dorel Juvenile Group, Inc. v. Graco Children's Prods., Inc.***

No. 05-1026

Federal Circuit
Nov. 7, 2005

*[The Federal Circuit] review[s] issues of claim interpretation independently, and test[s] the scope of claim language with primary reference to the specification, of which the claims are a part.*

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On November 7, 2005, the Federal Circuit vacated and remanded the district court's summary judgment that Graco did not infringe U.S. Patents No. 6,550,862 and No. 6,612,649, which related to a child car seat. The Federal Circuit stated:

> We review issues of claim interpretation independently, and test the scope of claim language with primary reference to the specification, of which the claims are a part. The district court correctly interpreted "removably attached" and "removably secured." The specifications of the patents in suit are mainly directed to the claimed cup holder feature of the inventions, and there is little reference to the concept of the removability of the seat from the base. [T]he only reference to what might be placed in the patented cup holder is shown in Figure 4 as a "COLA." Given the configuration of the cup holder and the seat's base, spilled cola would surely invade the bottom portion, where it could attract bees, hornets and other unwelcome insects. The occasional need to unscrew the top portion from the bottom portion to clean away spilled cola, or other matter that could find its way from the cup holder into the bottom portion, comports with the district court's holding that the seat and base merely be capable of separation. . . .
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> Simple observation on the public streets of parents removing children from cars reveals two-part infant car seats, whereby the base portion remains in the car while the seat portion is removed with the child still strapped in. This seat portion can then be easily secured into an infant stroller and later removed from the stroller to be reattached to the base portion that had remained in the car. While this may be the preferable two-part car seat for use with infants, the patents in suit do not require that the seat be "easily removable" from the base. [T]he patent is [not] directed to a product comprising a base that, during everyday usage, remains in the automobile while the user removes the seat and the child. . . . The seat and base can be separated "in a manner that contemplates that the seat may be removed from the base such that the seat remains functional."
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> The district court also correctly construed the terms "seat" and "base" to require two separate structures – "the structure intended to be sat in or on" and "the structure that props up the seat," respectively. The drawings in the patents certainly confirm the district court's understanding that the seat and the base are two separate structures held together by some means. We thus discern no error in the district court's interpretation of the key claim terms.
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> We, however, take issue with the district court's conclusion, on cross-motions for summary judgment, that the accused Graco juvenile car seat cannot infringe as a matter of law because it lacks a seat separate from a base and, at most, includes a base that is integral to the seat. The district court has invaded the province of the finder of fact, here a jury requested by Dorel, in deciding the infringement question. The accused products comprise a top structure and a bottom structure, each easily removable from the other by an ordinary or one-way screwdriver, such that they are "removably attached" or "removably secured". However, whether the top and bottom structures of the Graco products are in fact the claimed "seat" and "base" of the asserted patents, such that the top structure is capable of functioning as a "seat" upon being removed from the bottom structure, is a question of fact that cannot be determined on summary judgment.

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