United States District Court,
N.D. Illinois, Eastern Division.

SOLAIA TECH,
v.
SMURFIT.

March 28, 2002.

Raymond P. Niro, Christopher J. Lee, Dean D. Niro, Richard Burns Megley, Jr., Niro, Scavone, Haller & Niro, Ltd., Chicago, IL, for Plaintiff.

Edward L. Foote, R. Mark McCareins, Timothy P. O'Connor, Winston & Strawn, Chicago, IL, for Defendants.

JAMES F. HOLDERMAN**, Magistrate Judge.**

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James F. Holderman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 6641	DATE	3/28/2002
CASE TITLE	SOLAIA TECHNOLOGY vs. JEFFERSON SMURFIT et al		

MOTION: [In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

DOCKET ENTRY:

(1) ☐ Filed motion of [use listing in "Motion" box above.]

(2) ☐ Brief in support of motion due _____.

(3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.

(4) ☐ Ruling/Hearing on _____ set for _____ at _____.

(5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.

(7) ☐ Trial[set for/re-set for] on _____ at _____.

(8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.

(9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).

(10) ■ [Other docket entry] The court pursuant to Markman construes the disputed claim language as set forth on the reverse side of this order.

(11) ■ [For further detail see order on the reverse side of the original minute order.]

	No notices required, advised in open court.
	No notices required.
✓	Notices mailed by judge's staff.
	Notified counsel by telephone.
	Docketing to mail notices.
	Mail AO 450 form.
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courtroom deputy's initials: JS

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Based on the submissions of the parties pursuant to Markman v. Westview Instruments, Inc. 517 U.S. 370 (1996) and applying the law of claim construction enunciated by the United States Court of Appeals for the Federal Circuit, this court construes the meaning of the following terms of the 5,038,318 patent ("'318 patent") about which the parties are in dispute: (1) "interface means;" (2) "interrupt means;" (3) "spreadsheet instruction means;" (4) "add-in instruction means;" (5) "processor means;" (6) "spreadsheet means;" (7) "add-in program means;" (8) "plurality;" (9) "sequentially executing instructions;" (10) "respective registers."

Claim construction is a matter law. Vitronics Corp. v. Conceptronic, Inc., 90 F.3d 1576, 1581-82 (Fed.Cir.1996) (citation omitted). Additionally, it is well-settled that, in interpreting an asserted claim, the court should look first to the intrinsic evidence of record, i.e., the patent itself, including the claims, the specification and, if in evidence, the prosecution history. *Id*. Such intrinsic evidence is the most significant source of the legally operative meaning of disputed claim language. *Id.; see generally,* Rexnord Corp. v. Laitram Corp., 274 F.3d 1336, 1344 (fed.Cir.200l)(holding that an invention is not limited to the specification-described embodiment). For the disputed limitations written in "mean-plus-function format" pursuant to 35 U.S.C. s. 112, para. 6 (1994), this court's task is to identify the claimed function and identify the corresponding structure for that disputed limitation. *See* WMS Gamine, Inc. v. International Game Technology, 184 F.3d 1339, 1347 (Fed.Cir.1999) (citations omitted); *see e.g.,* Watts v. XL Systems, Inc., 232 F.3d 877, 880-881 (Fed.Cir.2000)("As an aid in determining whether sufficient structure is in fact recited by a term used in a claim limitation, this court has inquired into whether the term, as the name for structure, has a reasonably well understood meaning in the art.")(internal quotations omitted); Rodime PLC v. Seagate Technology, Inc., 174 F.3d 1294, 1302 (Fed.Cir.1999)(holding that a court analyzing a claim written in means-plus-function format must identify the function for each limitation and then determine whether the claim discloses a corresponding structure, but not a sufficiently definite structure which would take that structure outside the realm of s. 112, para. 6); Greenberg v. Ethicon Endo-Surgery, Inc., 91 F.3d 1580, 1583 (Fed.Cir.1996) ("The question whether a claim element triggers section 112(6) is ordinarily not a difficult one. Claim drafters conventionally use the preface "means for" (or "step for") when they intend to invoke section 112(6), and there is therefore seldom any confusion about whether section 112(6) applies to a particular element.").

A. ***Construing the Disputed Limitations of Claim 11***

The claimed function of the "interface means" limitation is connecting electrically "between said computer and said network for receiving messages from each of said programmable logic controllers ... [having a] plurality of message registers, of which at least one of said message registers is associated with each of said programmable logic controllers, the messages from each of said programmable logic controllers being overwritten on a preceding message in said registers, said interface means including interrupt means." Column 16, lines 54-63. The structure disclosed for the "interface means" limitation is an "interface card" disclosed in figure 2, item 24, of the ' 318 patent. *See* Column 8, lines 5-7.

The claimed function of the "interrupt means" limitation is "interrupting operation of said computer in response to receiving a message in any one of said message registers." Column 16, lines 63-66. The structure disclosed in the "interrupt means" limitation is a component of the "interface card" disclosed in figure 2, item 24 of the '318 patent. *See* Column 8, lines 5-7.

The claimed function of the "spreadsheet instruction means" limitation is "effecting a general purpose spreadsheet program in said computer ... providing cells into which said operator can insert information and

menu commands selectable by said operator ... normally only being able to effect movement of information between files of data contained in said memory and said cells," Column 16-17, lines 68, 1-6. The structure disclosed for the "spreadsheet instruction means" limitation is the "instruction storage memory" of a personal computer containing the computer instructions to effect a general purpose spreadsheet program. *see* Column 4, lines 51-54.

The claimed function of the "add-in instruction means" limitation is "presenting add-in menu commands and interrupt selected instructions operating through said spreadsheet instruction means for said interrupt selected instructions to move sequentially received messages from said message registers to respective assigned address locations in said memory upon occurrence of each interrupt signal, and for said add-in menu commands to move said messages form said assigned address locations in said memory to respective assigned cells in said spreadsheet instruction means so that messages from said programmable logic controllers indicating the condition of said equipment can be saved and moved directly to said cells." Column 17, lines 9-22. The structure disclosed for the "add-in instruction means" limitation is the "add-in program." Fig. 2, Item 28.

Section 112, para. 6 is not applicable to the claim terms "plurality" and "sequentially executing instructions" found in claim 11, accordingly standard claim construction applies. 232 F.3d at 881-82. The term "plurality" means more than one, but not less than two. The term "sequentially executing instructions" means performing commands in a particular order.

B. ***Construing the Disputed Limitations of Claim 12***

The claimed function of the "processor means" limitation is "moving said electrical signals forming messages to and from respective registers located in said processor means, said respective registers for each of said respective addressable programmable logic controllers being addressable form [sic] said communications network and accessible from said processor means." Column 17, lines 30-36. The structure disclosed for the "processor means" limitation is a personal computer with a memory and a central processor with an interface card, where the interface card is electrically connected to data, address and control leads of the personal computer, and the interface card connects to the network of programmable logic controllers. *See* Column 4, lines 31-36, 42-45.

The claimed function of the "spreadsheet means" limitation is "presenting a spreadsheet of cells into which information can be inserted to facilitate executing actions through said spreadsheet means, said spreadsheet means being capable of accessing said registers in said processor means through said actions." Column 17, lines 38-43. The structure disclosed for the "spreadsheet means" limitation is the "instruction storage memory" of a personal computer containing the computer instructions to effect a general purpose spreadsheet program. *see* Column 4, lines 51-54.

The claimed function of the "add-in program means" limitation is "executing an action in said spreadsheet means to cause said spreadsheet means to transmit said message from said cell through said registers in said process means to the said addressed particular register in said particular programmable logic controller ." Column 17, lines 51-56. The structure disclosed for the "add-in program means" limitation is the "add-in program." Fig. 2, Item 28.

Section 112, para. 6 is not applicable to the claim term "respective registers" found in Claim 12, clause A, "[R]espective registers" means one register within the interface card corresponding to each register of the

addressable programmable logic controllers in the network.

N.D.Ill.,2002.
Solaia Technology v. Smurfit

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