United States District Court,
D. Delaware.

FISHER-PRICE, INC,
Plaintiff.
v.
SAFETY 1ST, INC,
Defendant.

No. 01-051 GMS

April 2, 2002.

ORDER

SLEET**, District J.**

After considering the submissions of the parties and hearing oral argument on the matter, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that as used in the asserted claims of the patents in suit:

A. The '435 Patent

1. In the phrase "a first frame portion; a second frame portion spaced apart from said first frame portion;" the terms " first frame portion" and "second frame portion" refer to segments of the left and right sides (or vice-versa) of the structure from which the first and second child support members are suspended. The term shall be construed in this manner in all claims, including Claim 15;

2. Regarding the term "a first child support member," there is no requirement that the first child support member is a seat;

3. Regarding the term "second child support member," there is no requirement that the second child support member is a seatback;

4. Regarding the term "first flexible web" as used in all claims except Claim 15, there is no requirement that the first flexible web and the second child support member be formed as one piece connecting the first and second frame portions;

5. Regarding the terms "first flexible web" and "second flexible web" as used in Claim 15, the first and second flexible webs are webs, each extending between a respective one of the first and second frame portions and the seatback;

6. Regarding the terms "first inclined position" and "second inclined position," first inclined position" and "second inclined position" describe positions of the second child support member relative to the first child

support member, with the second inclined position being the more upright. In the first inclined position the second child support member cannot be in a fully reclined or lying down position, but must be inclined (i.e. at an angle) relative to the first child support member;

7. The term "connected" means that the first end and the second end are attached directly or via additional portions of the second flexible web;

8. Regarding the terms "first end" and "second end," the first end and second end refer to the strapping material attached to the first frame portion and the second frame portion (or vice-versa);

9. The phrase "means for connecting said first end and said second end of said second flexible web," means that the first and second ends of the second flexible web are connected via a means for connecting that may include male and female buckles of a zipper, but does not require "web extensions 900,905, with male and female buckles." The phrase is not subject to a means-plus-function limitation;

10. Regarding the terms "first reclining position" and "second position," "first reclining position" and "second position" describe positions of the second child support member relative to the first child support member, with the second position being the more upright. In the first reclining position the second child support member cannot be in a fully reclined or lying down position, but must be inclined (i.e. at an angle) relative to the first child support member;

11. The term "foreshortened configuration" means that the second flexible web is configured to suspend the seatback in a more upright position than the first position, and does not require that it is shorter than is used to maintain the setback in the first reclining position;

12. The phrase "means for selectively foreshortening" means that the webs are selectively foreshortened to move the seatback from a first position to a second position via a means for selectively foreshortening that may include male and female buckles or a zipper that may attach behind or above the seatback, but does not require "web and extensions 900, 905 stitched to a midline of flexible web, 815, 820." The phrase is not subject to a means-plus-function limitation;

B. The '552 patent

1. The term "annular support rim" refers to sections of the structure to which the first support and the second support are coupled that are above at least one of the first supports when the infant product is in the deployed position;

2. The term "coupled" refers to one component being connected either directly or through an intervening structure to a second component. Thus, there is no requirement that the first rim member be directly connected to the second rim member;

3. The term "adjacent" refers to components lying closer together when the infant product is in the folded configuration compared to the use configuration. Thus, there is no requirement that in the compact position the first rim member faces the second rim member with no support disposed between the two rim members;

4. The terms "first support" and "second support" refer to structures that in part lie close to or actually touch the ground when in the deployed position. The term support is not subject to a means-plus-function

limitation. However, the first support must be separate and independent from the second support;

5. Regarding the term "pivotal movement," there is no requirement that the second support pivots with respect to the first rim member;

6. The term "disposed on a second side," means that in the compact position, the first support is disposed on the side of the first rim member that faces away from the second rim member;

7. Regarding the term opposite, there is no requirement that the first rim member be directly disposed between the second rim member and the supports;

8. Regarding the term "pivotable with respect thereto," there is no requirement that the second support pivots with respect to each part of the annular rim;

9. Regarding the term "substantially parallel," there is no requirement that the planes of the second support and the first support do not intersect;

10. The term "substantially adjacent" refers to components lying closer together when the infant-supporting device is in the compact configuration compared to the deployed configuration. There is no requirement that the U-shaped members are designed to be readily detatchable from each other for easy disassembly;

11. The term "movably connected" means that the support frame is movably connected to the suspension assembly, but there is no requirement that the support frame move with respect to each part of the suspension assembly;

12. The term "interconnected to support" means that straps may be connected at any position on the receptacle as long as when the straps are connected, the first end of the support surface is at an angle with respect to the second end of the support surface. The first end of the support surface is not required to rest against the straps at an angle with respect to the second end of the support surface;

C. The '659 Patent

1. The term "upper frame" means that the upper frame has first and second U-Shaped rim members. In the use configuration, the rim members are arranged to provide substantially annular-like (ring-shaped) support. In that configuration, the terminal ends of the U-shaped rim member are located at the left and right central portions of the annulus;

2. The term "housing assembly" refers to a fully enclosed case, enclosure, or structure in which the first U-shaped member can be moved or rotated with respect to the second U-shaped member.

3. The term "rotationally coupled" means that the ends of at least one of the U-shaped rim members are connected to pivot points in the housing assemblies such that the U-shaped rim member can rotate with respect to the housing assemblies to selectively bring that U-shaped rim member adjacent to the other U-shaped rim member;

4. Regarding the term "continuously about the perimeter," there is no requirement that there are substantial discontinuities in the wall;

5. The term "substantially planar" refers to the upper body support and the lower body support generally lying in the vicinity of 180 ~with respect to each other in the first position;

6. Regarding the term "first and second fasteners," there is no requirement that the first and second fasteners include a webbing extension having an end stitched to the fabric material next to the first rim member;

7. Regarding the term "inclined relative to," there is no requirement that in the second position, the upper body support is oriented at an angle with respect to, and not in the same plane as, the first rim member;

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