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

ARACHNID, INC,
Plaintiff.
v.
MERIT INDUSTRIES, INC., et al,
Defendants.

June 26, 2002.

SUPPLEMENT TO MEMORANDUM OPINION AND ORDER

SHADUR**, Senior J.**

Arachnid, Inc. ("Arachnid") has moved for clarification of this Court's May 17, 2002 memorandum opinion and order ("Opinion") that construed disputed claims in Arachnid's United States Patent No. 5,114,155 ("Patent '155"). Arachnid seeks the inclusion of the term "electronic wire interlink" in the construction of "dart game ... means of transmitting" in Claims 1 and 14 and "dart game ... output means" in Claim 18 of Patent '155. That would cause the construction of those claim elements to parallel the construction of "dart game ... means for receiving" in Claims 1 and 14 and "electronic input means" in Claim 18. In response, Merit Industries, Inc. ("Merit") "agrees that the transmitting means and the output means should be construed in tandem with the means for receiving and inputting means" (M.Mem.2), although it correctly points out that the proper term should be "electronic interlink" (which was used four times in the Opinion) as opposed to "electronic wire interlink" (which was used only once). FN1

FN1. Merit also reiterates its earlier position-which this Court declined to adopt in the Opinion-that the only structure disclosed in the patent that can serve as a receiving and transmitting means is a computer modem (M.Mem.2). That contention is no more persuasive now than it was earlier.

This Court therefore grants Arachnid's motion with the last-mentioned modification. It amends the Opinion to include the term "electronic interlink" in the construction of "dart game ... means for transmitting" in Claims 1 and 14 and "dart game ... output means" in Claim 18 of Patent '155.

N.D.Ill.,2002.
Arachnid, Inc. v. Merit Industries, Inc.

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