United States District Court,
S.D. California.

Ronald SALCER,
Plaintiff.
v.
Daryn GOODWIN, individually and doing business as Rinkside Hockey; North American Roller Hockey Championships, Inc., a Colorado corporation; Kirk Fisher, individually and doing business as Tornado USA; and Does 1-10, inclusive,
Defendants.

Civil No. 02CV2475-B(JMA)

Sept. 8, 2004.

Kristen Elizabeth Caverly, Henderson and Caverly, Rancho Santa Fe, CA, Steven G. Yudin, Yudin and Yudin, New York, NY, for Plaintiff.

Vic Ye-Sau Lin, John W. Eldredge, Myers Dawes Andras and Sherman, Irvine, CA, for Defendants.

ORDER CONSTRUING CLAIMS FOR UNITED STATES PATENT NUMBER 5,366,219

RUDI M. BREWSTER**, District Judge.**

Before the Court is the matter of claims construction for United States Patent Number 5,366,219 ("the '219 patent") in the above titled cases for patent infringement. Pursuant to Markman v. Westview Instruments, Inc., 517 U.S. 370 (1996), the Court conducted a Markman hearing regarding construction of the disputed claim terms for the '219 patent on August 10, 2004. Plaintiff Ronald Salcer ("Salcer") was represented by the law firm of Henderson and Caverly, LLP, and Defendants Daryn Goodwin, Rinkside Hockey, North American Roller Hockey Championships, Inc., Kirk Fisher, and Tornado USA (collectively "Goodwin") were represented by Myers Dawes Andras & Sherman, LLP.

The purpose of the Markman hearing was for the Court, with the assistance of the parties, to prepare jury instructions interpreting the pertinent claims at issue in the '219 patent. Additionally, the Court and the parties prepared a "case glossary" for terms found in the claims and the specification for the ' 219 patent, considered to be technical in nature and which a jury of laypersons would not understand clearly without specific definition. As the case advances, the parties may request additional terms to be added to the glossary as to further facilitate the jury's understanding of the disputed claims.

After careful consideration of the parties' arguments and the applicable statues and case law, the Court **HEREBY CONSTRUES** the claim terms in dispute in the '219 patent and **ISSUES** the relevant jury instructions as written in Exhibit A, attached hereto. Further, the Court **HEREBY DEFINES** all pertinent technical terms as written in Exhibit B, attached hereto.

IT IS SO ORDERED.

CLAIM CONSTRUCTION CHART FOR U.S. PATENT NUMBER 5,366,219

VERBATIM CLAIM LANGUAGE	*COURT'S CLAIM CONSTRUCTION*
Claim 1	
A hockey puck comprising:	A hockey puck comprising [including, but not limited to]:
a) a molded inner structure formed of a first plastic material,	a) *one or more plastic molded inner structures*
b) a disk-shaped main body formed of a second plastic material and molded over said molded inner structure, said main body having a central axis, a circular periphery surrounding said central axis and opposite parallel surfaces generally perpendicular to said central axis,	b) *one or more disk-shaped second plastic main body molded over the one or more inner structures, each main body with a central axis, a circular periphery surrounding that central axis and with opposite parallel surfaces generally perpendicular to said central axis,*
c) said molded inner structure having a plurality of ground-engaging projections extending axially from each of said opposite parallel surfaces, each of said ground engaging projections being joined together within said main body such that the molded inner structure including the ground engaging projections forms a single molded unit and the ground engaging projections are non-movable with respect to said main body and non-removable from said main body.	c) *at least one of the inner structures having more than one projection intended to make contact with the ground or playing surface, those projections extending axially from each of the opposite parallel surfaces of an associated main body and each of the projections being joined within the associated main body such that the inner structure and its associated projections form a single unit and are not moveable or removable with respect to the associated main body.*
Claim 2	
The hockey puck as claimed in claim 1 wherein said projections are equally spaced around said central axis.	The hockey puck as claimed in claim 1 wherein said projections are equally spaced around said central axis,
Claim 3	
The hockey puck as claimed in claim 1 including six of said projections spaced 60 (deg.) apart.	The hockey puck as claimed in claim 1 including six of said projections spaced 60 (deg.) apart.
Claim 5	
The hockey puck as claimed in claim 1 wherein said projections are of circular shape in cross-section.	The hockey puck as claimed in claim 1 wherein said projections are of circular shape in cross-section.
Claim 13	
The hockey puck as claimed in claim 1 wherein each of said ground engaging projections extend in an axial direction continuously through said disk-shaped main body beyond the opposite parallel surfaces of said body.	The hockey puck as claimed in claim 1 wherein each of said ground engaging projections extend in an axial direction continuously through said disk-shaped main body beyond the opposite parallel surfaces of said body.

EXHIBIT B-GLOSSARY FOR U.S. PATENT NUMBER 5,366,219

TERM ***DEFINITION***

Comprising	including, but not limited to
Plurality	more than one
Axial	90 (deg.) to the horizontal plane of the puck

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