

# Exhibit A

NOTE: This disposition is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

---

**BALL METAL BEVERAGE CONTAINER  
CORPORATION,**  
*Plaintiff-Counterclaim Defendant-Appellee*

v.

**CROWN PACKAGING TECHNOLOGY, INC.,  
CROWN CORK & SEAL USA, INC.,**  
*Defendants-Counterclaim Plaintiffs-Appellants*

v.

**REXAM BEVERAGE CAN CO.,**  
*Counterclaim Defendant-Appellee*

---

2020-1212

---

Appeal from the United States District Court for the  
Southern District of Ohio in No. 3:12-cv-00033-WHR,  
Judge Walter H. Rice.

---

Decided: December 31, 2020

---

JOHN DAVID LUKEN, Dinsmore & Shohl LLP, Cincinnati, OH, argued for plaintiff-appellee and for counterclaim defendant-appellee. Also represented by LAUREN E.

2 BALL METAL BEVERAGE CONTAINER v. CROWN PACKAGING  
TECHNOLOGY

INGEBRITSON, OLEG KHARITON, JOSHUA LORENTZ, BRIAN S.  
SULLIVAN; JOHN M. WHEALAN, Chevy Chase, MD.

JOHN FRANK MURPHY, Baker & Hostetler LLP, Phila-  
delphia, PA, argued for defendants-appellants. Also repre-  
sented by DANIEL J. GOETTLE, ALAINA J. LAKAWICZ, AARON  
RABINOWITZ.

---

Before WALLACH, TARANTO, and CHEN, *Circuit Judges*.  
CHEN, *Circuit Judge*.

Crown Packaging Technology, Inc. and Crown Cork &  
Seal USA, Inc. (collectively, Crown) appeal a decision of the  
United States District Court for the Southern District of  
Ohio granting summary judgment in favor of Rexam Bev-  
erage Can Co. and Ball Metal Beverage Container Corp.  
(collectively, Ball Metal) finding the claim terms “second  
point” in U.S. Patent No. 6,935,826 (’826 patent) and “tran-  
sition”<sup>1</sup> in U.S. Patent No. 6,848,875 (’875 patent) indefi-  
nite, thereby rendering the asserted claims invalid under  
35 U.S.C. § 112, ¶ 2.<sup>2</sup> Because the district court erred in  
its indefiniteness analysis, we vacate the court’s summary

---

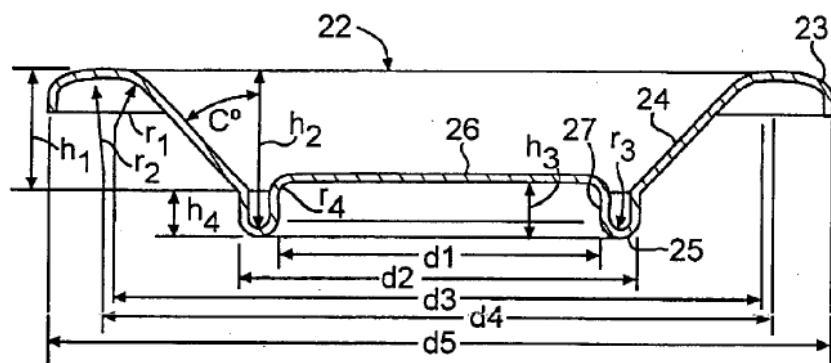
<sup>1</sup> The “second point” and “transition” both refer to  
the same location—the juncture where the chuck wall ends  
and the annular reinforcement bead begins. For ease of  
reading we only refer to “second point.” Additionally, for  
the sake of ease, quotation marks will be omitted from this  
term hereinafter.

<sup>2</sup> Paragraph 2 of 35 U.S.C. § 112 was replaced by  
§ 112(b) when the Leahy-Smith America Invents Act (AIA),  
Pub. L. No. 112–29, 125 Stat. 284 (2011) took effect on Sep-  
tember 16, 2012. Because the applications resulting in the  
’826 and ’875 patents were filed before that date, we refer  
to the pre-AIA version of § 112.

judgment of invalidity and remand to the district court in order for it to perform the correct analysis.

#### BACKGROUND

Aluminum beverage cans have two parts—the can body and the can end. The '826 and '875 patents<sup>3</sup> describe a can end, which is attached to the can body using a seamer machine. '826 patent col. 1 ll. 16–19. As shown in Figure 4 below, the outer edge of the can end, the chuck wall, is angled with respect to a vertical line  $h_2$  extending from the bottom of an annular reinforcing bead 25 and perpendicular to the central panel 26, which purportedly saves money because less metal can be used without sacrificing can strength. *Id.* at col. 2 ll. 1–12, col. 4 ll. 16–24. The angle is shown in the figure at “C°.”



**FIG. 4**

'875 patent at Fig. 4. The asserted claims require the angle “C°” to fall within a certain range. Claim 50 of the '875 patent, for example, recites that the angle is “between about 20° and about 60°.” *Id.* at claim 50. The claimed

<sup>3</sup> Because both patents have similar written descriptions, when citing to the written description, we cite only to the '826 patent.

angle is defined by a first point and a second point (or a “first location” and a “transition”) that create a diagonal line, the angle of which is then calculated based on the diagonal line compared to a vertical line, as illustrated by  $h_2$  in the above figure. ’826 patent at claim 13. The first point is defined by the location where the wall extends from the peripheral cover hook, and the second point is defined by the location where the annular reinforcing bead extends from the lowermost end of the chuck wall. *Id.*

Claim 14 of the ’826 patent is representative of the claims of both patents. Claim 14 depends from claim 13 and the bracketed language quoted below is from claim 13.

14. [A metal can end for use in packaging beverages under pressure and adapted to be joined to a can body by a seaming process so as to form a double seam therewith using a rotatable chuck comprising first and second circumferentially extending walls, said first and second chuck walls forming a juncture therebetween, said can end comprising;

a peripheral cover hook, said peripheral cover book comprising a seaming panel adapted to be formed into a portion of said double seam during said seaming operation;

a central panel;

a wall extending inwardly and downwardly from said cover hook, a first portion of said wall extending from said cover hook to a first point on said wall, said first wall portion adapted to be deformed during said seaming operation so as to be bent upwardly around said juncture of said chuck walls at said first point on said wall, a second portion of said wall extending from said first point to a *second point* forming a lowermost end of said wall, a line extending between said first and second points

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.