

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

SAUDER MANUFACTURING
COMPANY,

Plaintiff,

v.

J SQUARED, INC. d/b/a UNIVERSITY
LOFT COMPANY,

Defendant

Case No. 3:14-cv-00962-JZ
Hon. Jack Zouhary, U.S. District Judge
Magistrate Judge James R. Knepp, II

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**PLAINTIFF'S SUBMISSION OF PROPOSED
CLAIM TERMS OF U. S. PATENT NO. 8,585,136
REQUIRING MARKMAN ANALYSIS BY THE COURT**

Plaintiff Sauder Manufacturing Company submits the following list of terms in the asserted claims which, according to Defendant J Squared's Non-Infringement Contentions already served, are in dispute and require Markman interpretation by the Court.

This submission is made in two parts: the first part incorporated herein identifies the claim limitations in dispute and further provides a brief statement as to how and why Plaintiff believes the limitations should be construed.

The second part is a chart of each of the asserted claims showing the full claim language in the left column, and Plaintiff's interpretation in the right column.

Claims where there is no dispute or where the dispute is the result of claim dependency, are omitted. This document is not intended to be a complete legal brief.

CLAIM LIMITATIONS IN DISPUTE

Claim 1

A. "A saddle adapted to releasably engage said chair"

Plaintiff submits that this limitation should be construed, consistent with the specification, to call for a physical characteristic or structural aspect built or designed into the saddle (the tabletop element of the base on which the chair sits in the coupled configuration), that renders it capable of being releasably coupled to the chair.

B. "said chair being coupled to said saddle"

Plaintiff similarly submits that this limitation calls for a mechanism on the chair for coupling the chair to the saddle and, consistent with the proposition that claims are to be interpreted *as a whole*, must be construed in combination limitation "A" set forth above. The term "coupled" and variations thereof is found approximately thirty times throughout the patent specification and, gives clear meaning to the claim.

C. “assembly positioned below said sitting portion and forming a pair of base legs ... structure ... to function as rockers”

Plaintiff submits that this limitation should be construed to call for structure under the seat that includes two rigid supports or “legs” that extend from the back of the seat to the front of the seat in a configuration that provides a rocker capability. The specification clearly and repeatedly refers to the chair portion as a “floor rocker” and the drawings indicate the exact manner in which this leg assembly is structured, and in which it performs the recited function.

Claim 3

A. “perimeter edge ... with a rotationally asymmetric geometry ... ”

Plaintiff submits that this limitation should be construed to call for a saddle (tabletop mounted on top of the base) with any physical structure in or closely associated with the perimeter edge of the saddle that allows the saddle to be coupled to the chair in only one rotational orientation; i.e., the front of the chair must point in the same direction as the front of the tabletop in order for the two to be latched together.

B. “lower portion receptacle”

Plaintiff submits that this is simply the structural character of the chair base which receives the tabletop in the coupled condition.

C. “frame”

Plaintiff submits that this is the structure below the seat which defines the rocker rails/legs.

Claim 4

A. “A frame”

The claim actually has significant additional language regarding the association between the frame and the rocker legs. Construed as a whole and in the light of the detailed disclosure, the frame should be construed to refer to any structure located at least in part under the seat to provide left and right rocker legs.

Claim 5

Claim 5 is not asserted.

Claim 12

A. “manually operable means for releasably engaging said chair to said base portion”

Because of the language “manually operable”, this limitation does not have the typical form of a “means-plus-function” limitation, the construction of which is controlled by 35 USC § 112, ¶6 to cover the disclosed embodiment and equivalents. Moreover, the history of correspondence between the patent owner (then Applicant) and the Patent Office does not contain the usual indication that the Examiner treated this as a §112 ¶6 limitation.

Therefore, the limitation may capture any “manually operable” chair-to-base coupling mechanism and Sauder asserts that this is the proper construction.

If the Court finds otherwise, then an analysis must be made to determine if the accused latch mechanism is an “equivalent” of the structure disclosed in the patent.

The disclosed embodiment is a single latch with a passive component on the tabletop and a spring-biased, manually operable lever-type catch mounted on the back of the chair. The two are operable to connect with one another when the chair and base are placed in the only mutually orientation which allows a coupling; i.e., front-to-front. The components are such as to require manual release to decouple the chair, but permit recoupling the chair and base simply by aligning the two and pushing down on the chair.

The accused chair has two side-mounted latches for coupling the chair to the base, releasing the chair from the base, and recoupling the chair to the base when desired. The latches are manually operable.

To determine if the accused latch system is an “equivalent”, the following aspects are relevant:

- (a) The latch system provides positive coupling of chair to base;
- (b) the latch system is manually operable in the release function;
- (c) a latch includes a manually operated lever-type part on the chair, and a passive part on the base;
- (d) the lever-type part includes a bias spring; and

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