

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Sauder Manufacturing Company,

Case No. 3:14 CV 962

Plaintiff,

MARKMAN ORDER

-vs-

JUDGE JACK ZOUHARY

J Squared, Inc.  
d/b/a University Loft Company,

Defendant.

**INTRODUCTION**

This matter is before this Court for construction of certain terms found in Claim 1 of U.S. Patent No. 8,585,136 (the “136 Patent”) in accordance with *Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 390–91 (1996). The parties filed briefs (Docs. 52–53 & 59) and this Court held a record hearing on May 21, 2015.

Plaintiff Sauder Manufacturing Company (“Sauder”) brought this action against Defendant J Squared, Inc., d/b/a University Loft Company (“J Squared”) asserting, among other things, infringement of the 136 Patent. The patent involves a convertible chair / base combination with two configurations: a chair detachably connected to a base; a chair disconnected from the base with the chair sitting on the floor, functioning as a rocker, and the base becoming a table (Doc. 53 at 2).

Prior to the hearing, the parties reached agreement on several of the terms that did not require court construction, and further agreed that this Court would first address three constructions from Claim 1, those being the meaning of “coupled,” “assembly” and “rockers” (Doc. 59 at 16). Each will be addressed below.

#### APPLICABLE LAW

It is the duty of this Court, not a jury, to construe a patent claim. *Markman*, 517 U.S. at 391. Language in a particular claim must be construed in the context of both the individual claim and the entire patent, including the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (*en banc*). The specification should be read in light of the prosecution history which is the primary basis for construing a patent claim. *Id.* at 1350. Courts may also rely on extrinsic evidence -- that is, evidence other than the patent and its prosecution history -- but that evidence is secondary to the intrinsic evidence. *Id.* at 1317.

The parties agree that the patent should be construed based on the ordinary and customary meaning of the words, giving those words meaning in light of the patent specification as understood by those of ordinary skill in the art at the time the patent application was filed. Dictionary definitions are extrinsic evidence and unnecessary if the court can glean the meaning of the language from the claim and the patent history. Sometimes, the ordinary and customary meaning of claim language to a person of ordinary skill in the art may be identical to the meaning that language would have to a lay person not skilled in the art. *Id.* 1312–14.

#### DISCUSSION

##### **Coupled**

Sauder: Omnidirectional locked state.  
J Squared: Connected but not necessarily locked together.

The essence of this dispute is whether “coupled” means the upper portion and the lower portion are “locked.” The word coupled appears twelve times in the patent and there is no dispute that its definition means joined by means of a claw and latch. This Court looks to the specification in the first instance and believes there is no ambiguity and the term is clear in the context of this patent.

Column 9 of the 136 Patent references a “secure engagement” and “coupling” to become a single unit (TR 12). In other words, once coupled, the unit resists separation and movement. The patent specification refers to the chair and base as “latched together” (TR 21–22). The meaning is clear from the specification. This Court takes a middle approach to the opposing proposals and defines “coupled” as “securely joined.”

#### **Assembly**

Sauder: Structural unit positioned below seat to support seat and provide rockers.  
J Squared: A collection of manufactured parts fitted together, distinct from the lower portion and its sitting portion, and from the upper portion.

The assembly is shown in Figure 17. It is used as a noun and refers to a structural unit. Here, that unit is molded plastic and is located under the chair. The assembly is made up of different parts which are pre-bolted into a single unit (TR 33–34).

Defendant argues that assembly could mean more than one part (TR 35–36). But it is clear to this Court from the use of the word in the patent specification that we are not talking about a number of different parts; rather, we are talking about a single molded plastic assembly -- a “structural unit” (TR 40). This Court adopts Plaintiff’s definition of assembly -- straight-forward and clear.

#### **Base legs structured so as to function as rockers**

Sauder: Rockers.  
J Squared: Legs which enable rocking.

At the hearing, there was discussion about Claims 1 and 4 (TR 42–45), and requirements from the Examiner to include rockers in both of those claims. Counsel agree that this phrase is a structural recitation and this Court again finds no ambiguity. We are talking about rockers and not traditional legs. The bottom portion rocks. The common sense definition of rockers is a curved piece of wood

that makes a chair rock; distinguishable from a chair that might “rock no matter how slightly” or “tilt” (TR 47). This Court adopts Plaintiff’s proposed meaning.

**CONCLUSION**

Counsel agree that these three phrases were the critical definitions for this Court to address. This ruling may avoid the need for further *Markman* rulings. By a separate Order filed concurrently, an amended case schedule is in place.

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U. S. DISTRICT JUDGE

June 9, 2015