

***KAWASAKI RAIL CAR, INC., Petiti
v. SCOTT BLAIR, Patent Owne***

Case No. IPR2017-01036

July 9, 2018 Hearing

CLAIM CONSTRUCTION

Applicable Standard

- The patent at issue is an expired patent. Accordingly, claim terms are given their ordinary and customary meaning as understood by a person of ordinary skill in the art (POSITA).

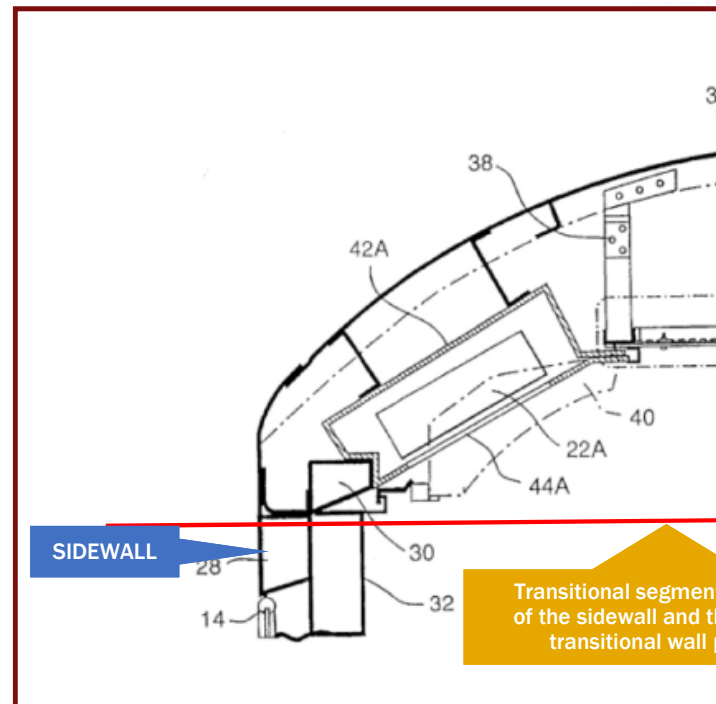
Phillips v. AWH Corp., 415 F.3d 1303, 1313 (Fed. Cir. 2005); see also *Square, Inc. v. Carl Cooper*, IPR 2014-00157, Paper 17 (P.T.A.B. 2014).

A. “substantially flushed”; “substantially flush”; “substantially contiguous”; “flushed”

- During reexamination of the '602 patent, the Board construed “substantially flush” to mean “a surface which is to a great extent even with an adjoining one.” PO agrees with this construction.
- “substantially flushed” and “substantially contiguous” would be understood to be synonymous with “substantially flush.”
- “flushed” removes the “to a great extent” portion of “substantially flush” and should be construed as “a surface which is even with an adjoining one.” Petitioner has added that it is **exactly** even, PO disagrees with the addition of the word **exactly**.

CLAIM CONSTRUCTION

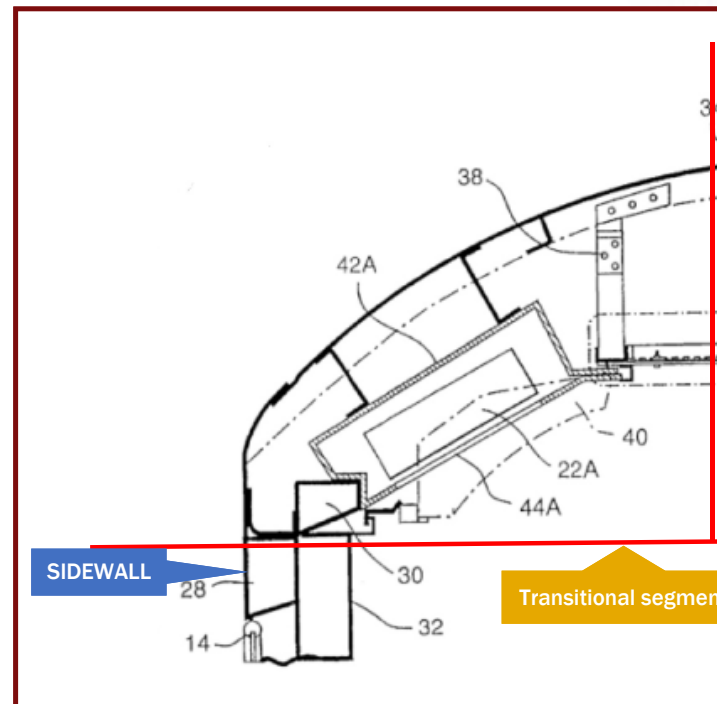
- B. “junction of the sidewall and the ceiling” / “transitional wall portion” and “transitional segment”
- The various claims positively recite “a junction of the sidewall and the ceiling” (Claims 1, 5 and 7), “a transitional wall portion” (Claim 8 and dependents) and “a transitional segment” (Claim 15 and dependents).



Ex. 1001 '602 Patent, p. 5

CLAIM CONSTRUCTION

- Each of these terms refer to the same portion of the wall where the ceiling and the sidewall meet. Arguments made with respect to one particular claim language would similarly apply to the others. PO generally refers to this as “the junction of the sidewall and the ceiling.”



Paper 45, p. 1

CLAIM CONSTRUCTION

C. The term "backlit panel" should be construed according to its ordinary and customary meaning. Petitioner has argued that "backlit panel" should be construed as "a non-electronic panel illuminated behind it." Petition, p. 12. Petitioner is attempting impermissibly narrow the term to include "a non-electronic panel which is not supported by the intrinsic evidence.

- No construction is necessary. If the Board deems a construction necessary, the ordinary and customary meaning of "backlit panel" is "a panel illuminated by a light source behind it."

D. "self-contained wiring system"

- The specification provides,
 - A preferred system according to the invention is a subway car or plurality of subway cars or plurality of television monitors, . . . the video signal source and the monitors being interconnected by cable systems which are self-contained within the subway car. In this way, new subway cars or video system or parts thereof installed, and usable on substantially any transit system, subway car or video system is independent of any previously installed track, tunnel or control systems.
- The proper claim construction of a "self-contained wiring system" is "a wiring cabling system that is (1) self-contained within the subway car and (2) independent of any previously installed track, tunnel or control systems," as would be the ordinary and customary meaning as evidenced by the specification.
- Petitioner has argued that self-contained means it is "self-contained within the subway car." 1

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