IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MANUFACTURING RESOURCES INTERNATIONAL, INC.,

Plaintiff,

v.

CIVIQ SMARTSCAPES, LLC, CIVIQ HOLDINGS, LLC, COMARK, LLC, and COMARK HOLDINGS, LLC,

Defendants.

Civil Action No. 17-269-RGA

MEMORANDUM OPINION

Arthur G. Connolly, III and Ryan P. Newell, CONNOLLY GALLAGHER LLP, Wilmington, DE; Jeffrey S. Standley, James Lee Kwak (argued), and F. Michael Speed, Jr., STANDLEY LAW GROUP LLP, Dublin, OH.

Attorneys for Plaintiff.

John W. Shaw, Karen E. Keller, and Nathan R. Hoeschen, SHAW KELLER LLP, Wilmington, DE; Douglas J. Kline (argued), Srikanth K. Reddy (argued), and Molly R. Grammel (argued), GOODWIN PROCTER LLP, Boston, MA; Naomi Birbach, GOODWIN PROCTER LLP, New York, NY; Yuval H. Marcus, Cameron S. Reuber, Matthew L. Kaufman, and Lori L. Cooper, LEASON ELLIS LLP, White Plains, NY.

Attorneys for Defendants.

September 27, 2018

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ANDREWS, U.S. DISTRICT JUDGE:

Before the Court is the issue of claim construction of multiple terms in U.S. Patent Nos. 8,854,572 ("the '572 patent"), 8,854,595 ("the '595 patent"), 9,629,287 ("the '287 patent"), 9,173,325 ("the '325 patent"), 9,173,322 ("the '322 patent"), 8,773,633 ("the '633 patent"), 9,285,108 ("the '108 patent") and 9,313,917 ("the '917 patent"). The Court has considered the Parties' Joint Claim Construction Brief. (D.I. 124). The Court issued tentative constructions of seven of the ten disputed terms before oral argument. (D.I. 146). The Court heard oral argument on September 19, 2018. (D.I. 147).

I. LEGAL STANDARD

"It is a bedrock principle of patent law that the claims of a patent define the invention to which the patentee is entitled the right to exclude." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (citation omitted).

"'[T]here is no magic formula or catechism for conducting claim construction.' Instead, the court is free to attach the appropriate weight to appropriate sources 'in light of the statutes and policies that inform patent law.'" *SoftView LLC v. Apple Inc.*, 2013 WL 4758195, at *1 (D. Del. Sept. 4, 2013) (quoting *Phillips*, 415 F.3d at 1324) (alteration in original). When construing patent claims, a court considers the literal language of the claim, the patent specification, and the prosecution history. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979–80 (Fed. Cir. 1995) (en banc), *aff'd*, 517 U.S. 370 (1996). Of these sources, "the specification is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term." *Phillips*, 415 F.3d at 1315.

"[T]he words of a claim are generally given their ordinary and customary meaning.... [This is] the meaning that the term would have to a person of ordinary skill in the art in question

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at the time of the invention, i.e., as of the effective filing date of the patent application." *Id.* at 1312–13. "[T]he ordinary meaning of a claim term is its meaning to [an] ordinary artisan after reading the entire patent." *Id.* at 1321. "In some cases, the ordinary meaning of claim language as understood by a person of skill in the art may be readily apparent even to lay judges, and claim construction in such cases involves little more than the application of the widely accepted meaning of commonly understood words." *Id.* at 1314.

When a court relies solely upon the intrinsic evidence—the patent claims, the specification, and the prosecution history—the court's construction is a determination of law. *See Teva Pharm. USA, Inc. v. Sandoz, Inc.*, 135 S. Ct. 831, 841 (2015). The court may also make factual findings based upon consideration of extrinsic evidence, which "consists of all evidence external to the patent and prosecution history, including expert and inventor testimony, dictionaries, and learned treatises." *Phillips*, 415 F.3d at 1317–19. Extrinsic evidence may assist the court in understanding the underlying technology, the meaning of terms to one skilled in the art, and how the invention works. *Id.* Extrinsic evidence, however, is less reliable and less useful in claim construction than the patent and its prosecution history. *Id.*

"A claim construction is persuasive, not because it follows a certain rule, but because it defines terms in the context of the whole patent." *Renishaw PLC v. Marposs Societa' per Azioni*, 158 F.3d 1243, 1250 (Fed. Cir. 1998). It follows that "a claim interpretation that would exclude the inventor's device is rarely the correct interpretation." *Osram GMBH v. Int'l Trade Comm'n*, 505 F.3d 1351, 1358 (Fed. Cir. 2007) (citation omitted).

II. BACKGROUND

On March 14, 2017, Manufacturing Resources International, Inc. ("Plaintiff") filed a patent infringement action. The defendants are Civiq Smartscapes, LLC, Civiq Holdings, LLC,

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Comark, LLC, and Comark Holdings, LLC (collectively, "Defendants"). The patents in suit are U.S. Patent Nos. 8,854,572 ("the '572 patent"), 8,854,595 ("the '595 patent"), 9,629,287 ("the '287 patent"), 9,173,325 ("the '325 patent"), 9,173,322 ("the '322 patent"), 8,773,633 ("the '633 patent"), 9,285,108 ("the '108 patent") and 9,313,917 ("the '917 patent"). All the patents in suit concern systems and methods for cooling large electronic displays to enable outdoor use year-round regardless of temperature.

The parties dispute terms in claim 1 of the '595 Patent. Claim 1 reads as follows:

> 1. A system for cooling an electronic display having a *posterior display surface* and contained within a housing, the system comprising:
> a constricted convection plate placed posterior to the *posterior display surface*;
> two side panels placed adjacent to the constricted convection plate and the *posterior display surface*, defining a *constricted convection channel* having an entrance and an exit; and
> a fan placed to draw air from outside the housing through the *constricted convection channel.*

('595 Patent, claim 1) (disputed terms italicized).

The parties dispute a term in claims 4 and 7 of the '322 Patent. The following claim of the '322 Patent is representative:

> 4. A liquid crystal display (LCD) comprising:
> a liquid crystal stack;
> a backlight assembly behind the liquid crystal stack and comprising:
> a printed circuit board (PCB) having front and back sides;
> a plurality of LEDs mounted on the front side of the PCB;
> a posterior surface on the rear side of the PCB;
> a constricted convection place placed behind and *substantially parallel* with the posterior surface of the PCB; and
> a fan positioned to draw air between the constricted convection plate and the posterior surface.

('322 Patent, claim 4) (disputed term italicized).

The parties dispute terms in claims 1 and 8 of the '572 Patent. The following claim of the '572 Patent is representative:

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1. A method for cooling an electronic display having a rear surface, comprising the steps of:
   placing a substantially planar surface adjacent to the *rear surface of the electronic display* to define a gap between the planar surface and the electronic display;
   placing a *closed loop* of circulating gas around the display;
   forcing a circulating gas around the *closed loop*; and
   forcing cooling air through said gap.

('572 Patent, claim 1) (disputed terms italicized).

The parties dispute terms in claim 18 of the '287 Patent. Claim 18 reads as follows:

18. An electronic display assembly comprising:
   a housing;
   an electronic display positioned within the housing;
   a rear cooling chamber positioned behind the electronic display and containing an electrical component which is electrically connected to the electronic display;
   a front surface of the electronic display which faces an intended viewer and a *rear surface of the electronic display* which opposes the front surface;
   wherein *the front surface of the electronic display is coolable by a closed loop of isolated gas* and the *rear surface of the electronic display* is coolable by an *open loop* of ambient air.

('287 Patent, claim 18) (disputed terms italicized).

The parties dispute terms in claim 1 of the '325 Patent. Claim 1 reads as follows:

1. An electronic display assembly comprising:
   a first and second electronic image assembly where the two image assemblies are positioned back to back;
   a first *closed gaseous loop* encircling the first image assembly;
   a second *closed gaseous loop* encircling the second image assembly;
   a heat exchanger placed within the path of both the first and second closed gaseous loops;
   a circulating fan assembly positioned to force circulating gas through the first gaseous loop, second gaseous loop, and heat exchanger; and
   an *open loop* fan which forces ambient air through the heat exchangers;
   wherein the ambient air is not permitted to mix with the circulating gas.

('325 Patent, claim 1) (disputed terms italicized).

The parties dispute a term in claims 1 and 10 of the '633 Patent. The following claim of the '633 Patent is representative:

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