IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

C&M OILFIELD RENTALS, LLC D/B/A C-MORE ENERGY SERVICES, *Plaintiff*	§	
-v-	§	**CIVIL NO. 6:21-CV-00544-ADA**
APOLLO LIGHTING SOLUTIONS INC., *Defendant and*	§	
CLEANTEK INDUSTRIES, INC., *Defendant and counterclaim plaintiff*	§	

CLAIM CONSTRUCTION ORDER AND MEMORANDUM

The Court considered the Parties' claim construction briefs (Dkt. Nos. 54, 64,[1] 65, 55, 66, 69, 70) and provided preliminary constructions in advance of the *Markman* hearing. After further considering the arguments at the *Markman* hearing, the Court adopts its preliminary constructions to be its final constructions and enters those final constructions now.

I. BACKGROUND

A. U.S. Pat. No. 10,976,016

Plaintiff C&M Oilfield Rentals, LLC ("C&M") asserts U.S. Patent No. 10,976,016 (the "'016 Patent") against Apollo Lighting Solutions, Inc. ("Apollo") and Cleantek Industries, Inc. ("Cleantek") (collectively "Defendants"). The '016 Patent has the title "Elevated structure-mounted lighting system." The '016 Patent generally discloses "[a]n improved elevated structure-mounted lighting system" that is "used on drilling rigs." '016 Patent at abstract.

[1] Replacement Brief.

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The ’016 Patent realized that prior art crown-mounted lighting systems typically had fixed lighting systems that were costly, inefficient, and burdensome to install. *Id.* at 1:17-39. Typically, once designed for a particular type of rig, the lighting systems are not able to be adapted for use on other types of rigs. *Id*.

Thus, the ’016 Patent improves on existing light systems by disclosing a modular structure-mounted lighting system that “may accommodate any style or design of crown section of a drilling rig and may be mounted on a pole or independent mount system.” *Id.* at 1:43-51. Claim 1 captures this concept and recites:

> 1. A modular lighting system mounted on a rig, the modular lighting system comprising:
> a plurality of light units, each light unit separately attached to a crown deck of the rig, and each light unit comprising:
> a mounting pole;
> a light fixture comprising one or more lights; and
> a bracket configured to attach the mounting pole to the crown deck of the rig.

Id. at 7:30-39.

B. U.S. Pat. No. 11,111,761

Cleantek filed its counterclaim against C&M for infringement of U.S. Patent No. 11,111,761 (“’761 Patent”). The’761 Patent has the title “Drilling rig with attached lighting system and method.” The ’761 Patent generally discloses “[a]n attachable lighting system for a drilling rig.” ’761 Patent at abstract.

The ’761 Patent realized that drilling operations typically relied on “mobile lighting arrangements on vehicles” or “manually adding or providing impromptu lighting arrangements” to provide lighting during low hours of daylight. *Id.* at 1:38-46. These solutions were “inadequate and not readily adaptable to systematic visibility improvements in appropriate locations around a drilling rig.” *Id*. at 1:47-49. Thus, the ’761 Patent discloses a system and method for addressing these shortcomings. Claim 1 recites:

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> 1. A method of providing lighting to a drilling rig site comprising, attaching at least one light fixture directly to the crown of a drilling rig on each of at least two sides of the crown, wherein the light fixture contains a fixed or removable light fixture attachment connecting the at least one light fixture to the crown, and wherein the drilling rig includes secondary containment.

Id. at 4:9-15.

II. LEGAL STANDARD

A. Claim Construction Generally

The general rule is that claim terms are generally given their plain-and-ordinary meaning. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc); *Azure Networks, LLC v. CSR PLC*, 771 F.3d 1336, 1347 (Fed. Cir. 2014), *vacated on other grounds*, 575 U.S. 959, 959 (2015) ("There is a heavy presumption that claim terms carry their accustomed meaning in the relevant community at the relevant time."). The plain and ordinary meaning of a term is the "meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention." *Philips*, 415 F.3d at 1313.

The "only two exceptions to [the] general rule" that claim terms are construed according to their plain and ordinary meaning are when the patentee (1) acts as his/her own lexicographer or (2) disavows the full scope of the claim term either in the specification or during prosecution. *Thorner v. Sony Computer Entm't Am. LLC*, 669 F.3d 1362, 1365 (Fed. Cir. 2012). To act as his/her own lexicographer, the patentee must "clearly set forth a definition of the disputed claim term," and "clearly express an intent to define the term." *Id.*

"Like the specification, the prosecution history provides evidence of how the PTO and the inventor understood the patent." *Phillips*, 415 F.3d at 1317. "Distinguishing the claimed invention over the prior art during prosecution indicates what a claim does not cover." *Spectrum Int'l, Inc. v. Sterilite Corp.*, 164 F.3d 1372, 1378–79 (Fed. Cir. 1988). The doctrine of prosecution disclaimer precludes a patentee from recapturing a specific meaning that was previously disclaimed during

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prosecution. *Omega Eng'g, Inc. v. Raytek Corp.*, 334 F.3d 1314, 1323 (Fed. Cir. 2003). "[F]or prosecution disclaimer to attach, our precedent requires that the alleged disavowing actions or statements made during prosecution be both clear and unmistakable." *Id.* at 1325–26. Accordingly, when "an applicant's statements are amenable to multiple reasonable interpretations, they cannot be deemed clear and unmistakable." *3M Innovative Props. Co. v. Tredegar Corp.*, 725 F.3d 1315, 1326 (Fed. Cir. 2013).

"Although the specification may aid the court in interpreting the meaning of disputed claim language, particular embodiments and examples appearing in the specification will not generally be read into the claims." *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1560, 1571 (Fed. Cir. 1988). "[I]t is improper to read limitations from a preferred embodiment described in the specification—even if it is the only embodiment—into the claims absent a clear indication in the intrinsic record that the patentee intended the claims to be so limited." *Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 913 (Fed. Cir. 2004).

Although extrinsic evidence can be useful, it is "'less significant than the intrinsic record in determining the legally operative meaning of claim language.'" *Phillips*, 415 F.3d at 1317 (quoting *C.R. Bard, Inc. v. U.S. Surgical Corp.*, 388 F.3d 858, 862 (Fed. Cir. 2004)). Technical dictionaries may be helpful, but they may also provide definitions that are too broad or not indicative of how the term is used in the patent. *Id.* at 1318. Expert testimony also may be helpful, but an expert's conclusory or unsupported assertions as to the meaning of a term are not. *Id.*

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III. LEGAL ANALYSIS

A. Term #1: "crown deck"

Pat. 10,976,016 Term	C&M's Proposal	Apollo's Proposal
"crown deck" Claims 1, 2, 16, 17, 19, 22, 23, 29	Plain and ordinary meaning: "the portion of the crown on which a person can walk and including any associated handrail"	"Crown deck" means the "crown" and not limited to (i) the portion of the crown on which a person can walk and/or (ii) any associated handrail.

First, the Court finds that "crown" is the collection of structures at the uppermost portion of a drilling rig. This construction derives from the patentee's explicit, intrinsic definition for crown: "the uppermost portion of the drilling rig, also referred to as the 'crown' of the rig." '016 Patent at 1:15-17, 2:30-31 ("the crown 110, or top, of a drilling rig"); *see also* Section III(E), *infra* (explaining similar construction for "crown" as used in the '761 Patent).

Next, the Court finds that a "crown deck" is a portion within the crown. Specifically, the "crown deck" is the deck within the crown. Both parties' proposals agree that a deck includes a walking surface. C&M's proposal excludes support structures from the deck, such as a support beam. The Court finds that the term "deck" ordinarily includes both the walking surface and its supporting structures.

The parties dispute whether the handrail is part of the deck. A deck does not necessarily need to include a handrail, but if the handrail is present, then the handrail forms part of the deck because the specification explicitly refers to "the handrail of the crown deck." *Id.* at 6:3, 7:1-2. Other references to "the crown deck and handrails" in the specification do not change the Court's opinion because, in context, the Court finds this type of language used to emphasize the handrails, not to suggest some boundary separating the crown deck and handrails.

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