United States District Court,
C.D. California.

TELEFLEX, INC,
Plaintiff.
v.
ANCRA INTERNATIONAL LLC, and Aero Union Corporation,
Defendants.

No. CV 01-2937 LGB (MANx)

Jan. 4, 2002.

Kenneth R. O'Rourke, Todd Eric Fitzsimmons, O'Melveny & Myers, Mark C. Scarsi, Milbank Tweed Hadley and McCloy LLP, Los Angeles, CA, for Plaintiff.

Lisa Kobialka, King & Spalding, Redwood Shores, CA, Paul J. Andre, Radhika Tandon, Perkins Coie, Menlo Park, CA, for Defendants.

MARKMAN HEARING ORDER

LOURDES G. BAIRD**, District Judge.**

I. INTRODUCTION

Plaintiff Teleflex, Inc. ("Teleflex") brings this action accusing Aero Union Corp. ("Aero Union") of patent infringement. The conflict centers on a patent issued to Teleflex, U.S. Patent 5,547,069 ("the '069 patent").

II. FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff accuses Defendants of violating the '069 patent. At issue in the '069 patent are claims numbered one, two, three, four and seven.

Background on the Patent

In order to assist in the loading and unloading of freight, aircraft freight carriers use a variety of mechanical components. Power drive units ("PDUs") are essentially motorized rollers that move heavy cargo into or out of cargo areas. The cargo is typically freight situated on pallets. These PDUs typically operate in conjunction with free-spinning balls mounted in ball mats or free-spinning rollers mounted in roller trays. The free-spinning balls and rollers provide a rollable, low-friction surface so that the PDUs can move, or urge, the pallets in a given direction.

Traditionally rollers for PDUs include hard, small rollers or pneumatic rollers filled with air (similar to automobile tires). In applying for its patent, Teleflex identified some problems associated with these types of

rollers. In particular, Teleflex argued that small, hard rollers are lighter than pneumatic rollers, but they do not respond well to irregularities in the lower surface of the pallet and therefore pallets on these rollers tend to slip. Pneumatic rollers, on the other hand, do respond to irregularities in the lower surface of the pallet because they are depressible, but they suffer from two problems. First, they are typically larger than the hard rollers, taking up more space and weight on the airplane. Second, because the axis of the roller did not move vertically in response to the irregularities in the lower surface of the pallet, different pallets end up moving at different speeds.

The speed differential results from the properties of a wheel. The axis of the wheel spins at a constant rotational speed, but as one moves out from the axis, speed increases. Smooth or light pallets thus moved faster because they indented the roller less than heavier pallets-and were therefore farther out from the axis. The ultimate effect of these speed differentials, according to Teleflex, was a "jerking" of pallets in an inconsistent manner across the cargo deck.

The '069 patent

The '069 patent consists of nineteen claims, but the parties only contest five claims: claims one, two, three, four, and seven.

Claim 1 and the disputed terms.

Claim 1 reads:

1. An aircraft conveyer drive assembly (10, 10") of the type for rollably engaging the lower surface (32) of a pallet (30) and urging the pallet (30) along a conveyor path, said assembly (10) comprising:

a roller (34) supported for rotation about a substantially horizontal drive axis (A) for frictionally engaging the lower surface (32) of the pallet (30);

support means (36) for supporting said roller above an upper surface (18) of an aircraft floor structure (14) with at least a portion of said roller (34) submergible below the upper surface(18) of the floor structure (14);

a drive motor (38) operatively coupled to said roller (34) for forcibly urging said roller (34) to rotate about said drive axis (A);

and characterized by pallet tracking means (64) for automatically moving said drive axis (A) of said roller (34) vertically in response to irregularities in the lower surface (32) of the pallet (30) while said drive motor (38) simultaneously rotates said roller (34) about said drive axis (A) to continuously maintain frictional engagement between said roller (34) and the lower surface (32) of the pallet (30) during uninterrupted rotation of said roller (34);

said pallet tracking means (64) including biasing means (74) for continuously urging said drive axis (A) of said roller (34) toward an extended operative position.

'069 Patent, Ex. C, Col. 8:53-9:8.

The parties dispute in claim one centers on the terms "support means," "pallet tracking means," and "biasing means."

Claim 2

Claim 2 reads:

An assembly (10, 10") as set forth in claim 1 further characterized by said pallet tracking means (64) including translation means (66) for maintaining said drive axis (A) parallel to said substantially horizontal orientation during vertical movement thereof.

'069 Patent, Ex. C, Col. 9:9-13.

Claim 3

Claim 3 reads:

An assembly (10, 10") as set forth in Claim 2 further characterized by said biasing means (74) comprising a compression spring.

'069 Patent, Ex. C., Col. 9:14-16.

Claim 4

Claim 4 reads:

An assembly (10) as set forth in claim 2 further characterized by said translation means (66) including a plurality of guide slots (68) and a guide member (70) slideably disposed in each of said guide slots (68).

'069 Patent, Ex. C., Col. 9:17-20.

Claim 7

Claim 7 reads:

An assembly (10") as set forth in claim 2 further characterized by said translation means (66") including a swing arm (138") privotally secured at one end (140") to said support means (36") and pivotally secured at another end (142") relative to said drive axis (A").

'069 Patent, Ex. C., Col. 9:29-33.

III. CLAIM INTERPRETATION LAW

A. General Standards

In Markman v. Westview Instruments, Inc., 517 U.S. 370, 116 S.Ct. 1384, 134 L.Ed.2d 577 (1996), the Supreme Court held that the interpretation of a patent claim-the portion of the patent document that defines the scope of the patentee's rights-is a matter of law exclusively within the province of the court and is not a factual question for the jury. *See* id. at 372. The *Markman* decision suggested that a trial court could consider various types of evidence when interpreting a patent, including expert testimony. *See id*. at 388-90.

Shortly after the Supreme Court handed down *Markman,* the Federal Circuit, in Vitronics Corp. v. Conceotronic, Inc., 90 F.3d 1576 (Fed.Cir.1996), expanded on the Court's dicta concerning evidence available to a trial court in interpreting *patent claims*. *See* id. at 1581-83. The Federal Circuit held that if intrinsic evidence can, by itself, resolve ambiguity in a patent term, then a court may not rely on extrinsic evidence, such as expert testimony, to construe the term. *See* id. at 1583. A trial court may only use extrinsic evidence when intrinsic evidence fails to illuminate the meaning of the disputed claim. *See id*. Moreover, extrinsic evidence cannot broaden the reach of a claim or contradict explicit language. *See id*.

The Federal Circuit detailed a hierarchy of specific types of evidence that a court may consider. When interpreting a patent, a trial court must first look at the language of the claim itself. *See id*. at 1582. Courts should typically construe terms by their common, customary meaning, but a patentee is allowed to define her own terms in the specification section of the patent. *See id*. Therefore, courts must always review the specification, which, when setting forth an embodiment of the invention, frequently provides explicit definitions of the claim terms. *See id*. The language in the specification is dispositive, and "it is the single best guide to the meaning of the disputed term." *Id*. However, a patent's claims are not limited to the specification's best mode, preferred embodiment, specific objects, or illustrative examples, and it is erroneous to read limitations from the specification into the claims. *See* Laitram Corp. v. Cambridge Wire Cloth Co., 863 F.2d 855, 865 (Fed.Cir.1988) ("References to a preferred embodiment, such as those often present in a specification, are not claim limitations."); Rolls-Royce Ltd. v. GTE Valeron Corp., 800 F.2d 1101, 1108 (Fed.Cir.1987) ("Reference to an object does not constitute in itself a limitation in the claims.").

In addition, a court may consider the prosecution history of the patent as evidence of meaning. *See* Vitronics, 90 F.3d at 1582. This history contains the complete record of all the filings and examinations before the Patent and Trademark Office, including representations made by the applicant regarding the significance of claims and terms. *See id*. The history also limits the interpretation of terms by recording the exclusion of any term definition disclaimed during the prosecution. *See id*.

Only when intrinsic evidence fails to resolve ambiguity in a disputed claim term may a court rely on extrinsic evidence. *See id*. at 1583. The policy rationale supporting this evidentiary limitation is that prospective patentees must have access to public records concerning the patent to "design around" a prior art. *Id*. If expert testimony or other extrinsic evidence were permitted to alter the record, then this public benefit would be frustrated. *See id*. Accordingly, a court can only examine extrinsic evidence if the evidence does not contradict the claim language, the specification, or the prosecution history but instead supplements it. *See id*. at 1584-85.

B. Interpreting "Means plus function" language

In construing a patent, the inventor may refer to a "means" for performing a function without describing the underlying structure that performs the function. *See* B. Braun Med., Inc. v. Abbot Labs. ., 124 F.3d 1419, 1424 (Fed.Cir.1997). This language is referred to as "means plus function" language. *See* id. at 1424. As such, an element in a claim "expressed as a means ... for performing a specified function without the recital of a structure ... shall be construed to cover the corresponding structure ... described in the specification and equivalents thereof." 35 U.S.C. s. 112, para. 6. Construing such a claim is a two-step process. First, a court must identify the function specified in the claim and then the court must identify the structure in the specification that performs the claimed function. Meditronic v. Advanced Cardiovascular Sys., Inc., 248 F.3d 1303, 1311 (Fed.Cir.2001).

Structure disclosed in a specification is "corresponding structure" only if the specification or prosecution history clearly links or associates the structure to the function recited in the claim. *See* B. Braun, 124 F.3d at 1424. Moreover, details more particularly defining a structure in ways unrelated to the recited function are *not* to be read as limiting the scope of a "means" clause. *See* Chiuminatta Concrete Concepts, Inc. v. Cardinal Indus. Inc., 145 F.3d 1303, 1308-09 (Fed.Cir.1998). Choosing to write a patent claim in means-plus-function language comes at a cost because such a claim does not cover every means for performing a specified function, but is limited to the corresponding structure described in the specification, as well as the structure's equivalents. *See* Itron, Inc. v. Berghiat, 169 F.Supp.2d 1073, 1082 (D.Minn.2001).

IV. ANALYSIS

A. Language in Claim 1

1. "Support Means"

The parties contest the scope of the following language in claim 1:

support means (36) for supporting said roller (34) above an upper surface (18) of an aircraft floor structure (14) with at least a portion of said roller (34) submergible below the upper surface (18) of the floor structure (14)[.]

'069 Patent, Ex. C, Col. 9:59-62. Both parties agree that the explicit function of the "support means" is to support the roller so that the roller is supported above the upper surface of the aircraft floor structure with a portion of the roller submerged below the upper surface of the aircraft floor structure. *See* Aero Union Br. at 6; Teleflex Reply at 1.

Teleflex argues that the associated structure which performs this function consists solely of the outer housing (82) and its bottom (90). Teleflex Br. at 10. Aero Union, in contrast, believes the "support means" structure also includes a canister, which is meant to act as a receptacle for the outer housing. Aero Union Br. at 7. In addition, Aero Union argues that the attachment assembly for securing the canister to the floor, including four bar linkages and an adapter ring should also be included within the structure that performs the "support means." Id.

The Court agrees with Teleflex's construction of the claim. As Teleflex persuasively points out, the specification consistently refers to the outer housing and bottom when identifying the support means. *See, e.g.,* ' 069 Patent, Ex. C, Col. 5:12-22; id., Fig. 3; id., Fig. 4. *Cf.* Col. 5:23-35 (referring to outer housing as *separate* from other structure). More importantly, the outer housing and bottom are capable of supporting the roller because the housing has an overhang, which would allow one to place the roller in a properly sized space. *See* '069 Patent, Ex. C, Fig. 3. The lip holds the roller in a certain position, partially above, partially below the aircraft floor structure. Gravity, perhaps supplemented by a tight fit holds the assembly in place, and the bottom maintains the roller at the specified level.

Even Aero Union acknowledges, "the outer housing *supports* the actual roller[.]" Aero Union Br. at 7 (emphasis added). The core of Aero Union's argument is that these other elements are the minimum necessary to "support the roller in the relative position required by claim 1." Id. Otherwise, it argues, the

roller and outer housing would "actually fall through the hole in the aircraft floor structure." Id. at 8. The problem with this argument is that it assumes the size of the "hole" in the floor structure must be significantly larger than the outer housing. The outer housing, however, would be the minimum structure sufficient to maintain the specified position if the hole was the right size. The other elements are meant to adapt this structure to other-sized "holes" or to further stabilize the assembly. None of these functions are *necessary* to the function listed in the claim, namely maintaining the roller in a position relative to the floor of the aircraft. *Cf.* Chiuminatta, 145 F.3d at 1303 (excluding additional structural aspects where not sufficiently related to function); Itron, 169 F.Supp.2d at 1085 (refusing to limit a structure beyond what is necessary to perform the function). Therefore, the Court finds the "support means" language refers to the structure (36) identified by the outer housing (82) and bottom (90).

2. "Pallet Tracking Means"

Claim 1 also refers to a "pallet tracking means":

for automatically moving said drive axis (A) of said roller (34) vertically in response to irregularities in the lower surface (32) of the pallet (30) while said drive motor (38) simultaneously rotates said roller (34) about said drive axis (A) to continuously maintain frictional engagement between said roller (34) and the lower surface of the pallet (30) during uninterrupted rotation of said roller (34).

'069 Patent, Ex. C, Col. 8:65-9:5.

Teleflex argues that the function of the pallet tracking means is simple: to automatically move the roller vertically in response to irregularities in a pallet. Teleflex Br. at 14. In contrast, Aero Union argues the function is that identified by Teleflex *and* maintaining frictional engagement with the pallet during simultaneous and uninterrupted rotation of the roller about its drive axis (A). Aero Union Br. at 9. The Court finds this to be a distinction without meaning.

Assuming the function of the pallet tracking means includes moving the roller vertically in response to the irregularities of the pallet, the question becomes what does the remaining language mean? The Court reads the remaining language to state, in effect:

1) the drive motor will continue to rotate the roller as it moves vertically;

2) the vertical movement and rotation will maintain frictional engagement between the roller and the pallet *as a result* of these two actions.

Compared to the prior art, Teleflex is claiming that the pallet tracking means will improve on the other hard roller models because it will move in response to irregularities in the pallet. *See* '069 Patent, Ex. C, Col. 2:14-16; Anderson Decl. para. 5. At the same time, it will mimic the ability of pneumatic rollers to morph in response to differing pressures-presumably raising the same problems with "jerking" posed by pneumatic rollers. *See* ' 069 Patent, Ex. C, Col. 2:9-24; Anderson Decl. para. 6. The claim refers to moving the drive axis (A) vertically, but nowhere does it refer to keeping the axis *horizontal*. *See* '069 Patent, Ex. C, Col. 8:66-67.

The question then becomes, what structure moves the roller vertically in response to irregularities? Teleflex correctly directs the Court to the biasing means (74). *See* '069 Patent, Ex. C, Fig. 3. As the pallet moves over

the roller, greater pressure pushes down on the biasing means and lesser pressure allows the biasing means to move the roller higher. *See* '069 Patent, Ex. C, Col. 5:8-11. This action maintains frictional engagement while the drive motor continues to spin the roller. Id.

Aero Union argues that this reading would ignore language in the specification that indicates a "translation means" is needed to maintain "the maximum possible surface area contact with the pallet ." Aero Union Br. at 10. The problem with this argument is that the claim does not refer to "maximum" frictional engagement; rather it refers to "maintaining" frictional engagement. '069 Patent, Ex. C, Col. 9:3; *see* Generation II Orthotics, Inc. v. Medical Tech. Inc., 263 F.3d 1356, 2001 WL 914557 *1, (Fed.Cir.2001) ("we must take great care not to impermissibly limit the function by adopting a function *different* from that explicitly recited in the claim (emphasis added). The biasing means is sufficient to accomplish the function stated in the claim.

3. "Biasing means"

Finally claim 1 refers to a "biasing means" for "continuously urging said drive axis (A) of said roller (34) toward an extended operative position." ' 069 Patent, Ex. C, Col. 9:6-8. Both parties agree that the function involves continuously urging the roller towards the operative position (in layman's terms, up). *See* Aero Union Br. at 11. Teleflex believes the corresponding structure is a pair of compression springs. Teleflex Br. at 16. Aero Union argues that the structure also includes an upper and lower cup, all connected by a stop screw. Aero Union Br. at 11.

It is clear that the compression springs identified in the specification are integral to the biasing means. *See* '069 Patent, Ex. C, Col. 4:62-64. The specification identifies the biasing means as "a pair of compression springs supported on the left (60) and right (62) inner housings." Id. On the other hand, the lower cup and the stop screw are not essential to the function. A variety of structures can contain the compression springs and the function of the stop screw is to alter or define the "operative position," not to *urge* the roller towards the operative position. FN1 *See* ' 069 Patent, Ex. C, Col. 5:1-6. Likewise the right and left housing are simply places for resting the structure identified as a biasing means. *Cf.* Chiuminatta, 145 F.3d at 1308 (rejecting details like "depending from the base plate" as part of skid plate's structure); Generation II, 263 F.3d 1356, 2001 WL 914557 at *8 (rejecting importation of a limit to require control over a *particular* range of motion where claim defined as "controlled").

FN1. Nor does the Court find defendant's argument based on the use of phrases such as the "lower cup *of* the biasing means" persuasive. *See* ' 069 Patent, Ex. C, Col. 6:22 (emphasis added). In context, the Court reads the use of "of" as a reference to aid in locating the lower cup.

The upper cup is a closer question. The specification refers to the upper cup as a separate structure, but also requires the biasing means to act "through the upper cup." '069 Patent, Ex. C, Col. 5:6-11. Although the Court has some difficulty imagining how the springs would work without the upper cup, the plaintiff has persuasively directed the Court to evidence in the prosecution history where the Board of Patent Appeals and Interferences recognized *only* the springs as the biasing means. *See* Fitzsimmons Decl., Ex. D at TE002539. Mindful of *Chiuminatta*' s admonition not to read too much structure into a "means plus function" the Court concludes the "biasing means" is accomplished by the structure composed of the compression springs.

B. Claim 2-"Translation Means"

Claim 2 identifies a "translation means for maintaining said drive axis (A) parallel to said substantially horizontal orientation during vertical movement thereof." '069 Patent, Ex. C, Col. 9:9-13. Both parties argue over the meaning of the "parallel to said substantially horizontal orientation" language in contesting the function of the "translation means." Aero Union, Br. at 13, Teleflex Reply at 14-15. The Court concludes that the function of the translation means is to *substantially* keep the roller from tilting from side to side to maintain maximum possible surface area contact with the pallet.

Both parties agree that there are two basic corresponding structures to the "translation means": (1) a plurarily of linear, vertically extending guide slots (68)" combined with "a plurarlity of guide members (70) slideably and rotatably disposed in the guide slots (68);" and (2) a "swing arm (138")." Aero Union Br. at 13-14; Teleflex Br. at 17-18. The parties dispute the extent of each structure, however.

1. The guide slots and guide members

Teleflex argues that guide slots and members are sufficient to perform the function of maintaining a substantially horizontal drive axis (A). Teleflex Br. at 17-18. In response, Aero Union argues that there is insufficient structure to accomplish this function without the support means (36), the guide plate (72), and attaching the guide plate to the left (60) and right (62) inner housing." Aero Union Br. at 13-14. The Court declines to read the support means or the right and left inner housing as necessary to the function. *See supra*. Although the Court does not believe the function can be accomplished without the guide slots residing in another medium to constrain their movement, the exact medium chosen is not necessary to performing the function. *See* Chiuminatta, 145 F.3d at 1308; *see also supra*. With respect to the guide plate, however, the Court concludes differently. Neither party has addressed the role of the guide plate, but from the patent it appears that the guide plate is necessary to ensure that the rotatable guide members are positionally fixed relative to the drive axis A of the roller (34). *See* '069 Patent, Ex. C, Col. 4:51-54. Without the guide plate, the Court cannot envision how the roller would be kept substantially horizontal. FN2 Therefore, the Court finds the structure for performing the translation means is made up of the guide members, guide slots, *and* guide plate.

FN2. At the hearing, plaintiff's counsel argued that the general silence on the role of the guide plate should determine the Court's construction. The difficulty the Court has with this position is that it was never explained how the guide members and slot *alone* could keep the axis parallel.

2. The swing arm

As to the swing arm, Teleflex argues that the structure identified at (138"), a load-bearing swing arm, is sufficient structure. Teleflex Br. at 18. Aero Union, consistent with its position as to other structures, maintains that the swing arm needs to be "pivotally secured at one end (140") to the outer housing, and pivotally secured at the other end (142") ... to the inner housing (60") about the drive axis A." Aero Union Br. at 14-15. The Court finds that the structure described is a swing arm pivotally secured both against some structure and about the drive axis A. The inner and outer housing elements are not necessary to the function, so long as the swing arm is pivotally secured in an appropriate manner. FN3

FN3. Implicit in this holding, the Court rejects defendant's argument that the *swing* arm cannot have a horizontal component to its motion. The Court finds that a reading of "vertical" which allows for some

arcing motion is consistent with the patent's claims, specifications, and the natural import of the words.

C. Claim 3

Claim 3 is dependent upon claim 2 and refers to "an assembly (10, 10") as set forth in claim 2 further characterized by said biasing means (74) comprising a compression spring." '069 Patent, Ex. C, Col. 9:14-16. Teleflex argues that the singular compression spring does *not* invoke the means plus function requirements of section 112, paragraph 6. Teleflex Br. at 19. In response, Aero Union argues that adopting Teleflex's construction would broaden the biasing means of claim 1 because claim one refers to a *pair* of compression springs, as well as other structures that the Court has already concluded are not referred to in claim 1. Aero Union Br. at 16. The Court rejects this argument. Although the singular spring is linguistically different from the pair of springs that maps the claim 1 function, the two means are functionally equivalent as revealed through the prosecution history. This patent was originally denied because the examiner concluded that claim 1 was anticipated by the Hugunin patent, U.S. Patent 1,276,222, which included a roller pushed upward by a single spring. *See* Ex. D at TE002504. On appeal, the Board of Patent Appeal reversed and reinstated the claims, including claim 3, not because this biasing method was somehow different, but because, in the context of PDUs, the invention was an unanticipated improvement. *See id*. at TE002539. The Court finds no reason to read claim 3 to be any broader than claim 1. *See* Meditronics, 248 F.3d at 1313 (in means-plus-function situations, independent and dependent claims do not have the same scope); Continental Lab. Prod. Inc. v. Medax Int'l Inc., 1999 WL 33116499 *1, (S.D.Cal.2001) ("one cannot escape [s. 112, para. 6] by merely adding a claim or claims specifically reciting such structure" (citations omitted)). Therefore, the Court concludes that claim 3 does recite a definite structure for the biasing means, the single compression spring, and is consistent with claims 1 and 2.

D. Claim 4

Claim 4 refers to "an assembly as set forth in claim 2 further characterized by said translation means including a plurality of guide slots and a guide member slideably disposed in each of said guide slots." '069 Patent, Ex, C, Col. 9:17-20.

The construction of claim 4 is complicated by the Court's previous determination that the function found in claim 2 could not be accomplished without attaching the guide members to the roller assembly in some manner to "maintain" the substantially horizontal orientation during the vertical movement of the roller. This claim fails to specify the entire structure, but it does specify a particular structure from which the necessity of the guide plate can be inferred by one skilled in the art. *See* '069 Patent, Ex. C, Col. 9:19-20. The Court therefore concludes that the recited structure, including the guide plate inference, is sufficiently definite to bring it outside the ambit of section 112, paragraph 6. *See* S3 Inc. v. Nvidia Corp., 259 F.3d 1364, 1367 (Fed.Cir.2001) (particularity and distinctness requirement ment "when a person experienced in the field of the invention would understand the scope of the subject matter when read" in conjunction with the rest of the specification). Rather, it is a specific embodiment of the translation means referred to in claim 2.

E. Claim 7

Likewise claim seven is directed to an embodiment of the swing arm translation means. *See* '069 Patent, Ex. C, Col. 9:29-33. Unlike claim 4, however, this claim contains all of the elements recognized by the Court as the structure described by the "translation means" function. It also contains sufficient structure to again fall outside section 112, paragraph 6's ambit and qualify as a specific embodiment of the means referred to in

claim 2.

V. CONCLUSION

Based on the foregoing, the Court concludes:

1) Claim l's "support means" refers to the outer housing and bottom structure identified at (82), (90) and (36) in the patent;

2) Claim l's "pallet tracking means" refers to the "biasing means" and not the "translation means;"

3) Claim l's "biasing means" refers to the pair of compression springs identified at (74);

4) Claim 2's "translation means" refers to two structures:

a) The guide members and guide slots attached to a guide plate; and

b) a swing arm pivotally secured at one end, and secured at the other end relative to the drive axis (A);

5) Claim 3's "single compression spring" represents a definite structure for the "biasing means" that is equivalent to the biasing means structure identified in the specification;

6) Claim 4 identifies a definite structure for the "translation means" represented by a plurality of guide members, found in guide slots and attached to a guide plate;

7) Claim 7 identifies a definite structure for the "translation means" represented by a swing arm pivotally secured at one end, and pivotally secured at the other to the roller's drive axis.

IT IS SO ORDERED.

C.D.Cal.,2002.
Teleflex, Inc. v. Ancra Intern. LLC