

United States District Court,
S.D. California.

KOITO MANUFACTURING CO., LTD, and North American Lighting, Inc,
Plaintiffs.

v.
TURN-KEY-TECH, L.L.C. and Jens Ole Sorensen,
Defendants.

No. 02-CV-0273 H JFS

April 9, 2003.

Carl J. Pellegrini, Darryl Mexic, John F. Rabena, Steven M. Gruskin, William H. Mandir, Sughrue Mion Zinn Macpeak And Seas, Washington, DC, Jane Hahn, Hahn And Adema, San Diego, CA, for Plaintiffs.

Boris Zelkind, Knobbe Martens Olson & Bear, San Diego, CA, David R. Fairbairn, Dina M. Colling, Gena M. Chapman, Paul P. Kempf, Kinney And Lange, Minneapolis, MN, Sandeep Seth, Zelkind And Shackelford, San Diego, CA, for Defendants.

ORDER RE CLAIM CHART

MARILY L. HUFF, Chief Judge.

The above-captioned matter is set for trial beginning April 10, 2003. On April 8, 2003, the court held a hearing and status conference in preparation for trial. Jane Hahn, William H. Mandir, Frank L. Bernstein, and John F. Rabena appeared on behalf of Koito, and David Fairbairn, Sandeep Seth, Boris Zelkind, Dina M. Colling, Paul P. Kempf, and Gena Chapman appeared on behalf of Turn-Key. At that hearing, the court notified the parties that it would prepare a claim chart for the parties use during trial, including during opening statements. The claim chart is attached to this order.

IT IS SO ORDERED.

Claim 1:

A method of injection molding a plastic product, with a cross-laminated section that includes a first plastic layer and a second plastic layer, in a mold system comprising a first mold cavity with a first-layer-defining-mold-cavity-section and a second mold cavity with a second-layer-defining-mold-cavity-section with a second-cavity-section-wall, the method comprising the steps of:

(a) injecting a quantity of first plastic into the first mold cavity so that the first plastic flows in the first-layer-defining-mold-cavity-section in a first predetermined general direction,

(b) solidifying at least partly the flowed first plastic in the first-layer-defining-mold-cavity-section to

thereby form said first plastic layer having a first-direction-flow-record,

(c) adjusting the mold system to thereby provide the second mold cavity with the second-cavity-section-wall including said first plastic layer,

(d) injecting a quantity of second plastic into the second mold cavity so that the second plastic flows in the second-layer-defining-mold-cavity-section in a second predetermined general direction, whereby the second plastic in the second-layer-defining-mold-cavity-section fuses with said first plastic layer,

(e) solidifying the flowed second plastic in the second-layer-defining-mold-cavity-section to thereby form said second plastic layer, so that the second plastic layer has a second-direction-flow-record which is positively different from said first-direction-flow-record, to thereby form said plastic product with said cross-laminated section that includes both the first plastic layer and the second plastic layer, and

(f) adjusting the mold system to thereby eject the product, wherein the first mold cavity comprises a first-cavity-flow-channel which is located adjacent the first-layer-defining-mold-cavity-section, with a flow channel being defined as a portion of a mold cavity which is significantly thicker and wider than the adjacent mold cavity thickness for the purpose of directing the flow of injected plastic, and wherein step (a) comprises the step of:

(g) directing the first plastic into the first-layer-defining-mold-cavity-section via the first-cavity-flow-channel, so that the first plastic flows in the first-cavity-flow-channel in a direction which is positively different from said first predetermined general direction.

Claim 21:

A method of injection molding a plastic product, with a cross-laminated section that includes a first plastic layer and a second plastic layer, in a mold system comprising a first mold cavity with a first-layer-defining-mold-cavity-section and a second mold cavity with a second-layer-defining-mold-cavity-section wall, the method comprising the steps of:

(a) injecting a quantity of first plastic into the first mold cavity so that the first plastic flows in the first-layer-defining-mold-cavity-section in a first predetermined general direction,

(b) solidifying at least partly the flowed first plastic in the first-layer-defining-mold-cavity-section to thereby form said first plastic layer having a first-direction-flow-record,

(c) adjusting the mold system to thereby provide the second mold cavity with the second-cavity-section-wall including said first plastic layer,

(d) injecting a quantity of second plastic into the second mold cavity so that the second plastic flows in the second-layer-defining-mold-cavity-section in a second predetermined general direction, whereby the second plastic in the second-layer-defining-mold-cavity-section fuses with said first plastic layer

(e) solidifying the flowed second plastic in the second-layer-defining-mold-cavity-section to thereby form said second plastic layer, so that the second plastic layer has a second direction-flow-record which is positively different from said first-direction-flow-record, to thereby form said plastic product with said cross-laminated section that includes both the first plastic layer and the second plastic layer, and

(f) adjusting the mold system to thereby eject the product, wherein the second mold cavity comprises a second cavity-flow-channel which is located adjacent said second-layer-defining-mold-cavity-section, with a flow channel being defined as a portion of a mold cavity which is significantly thicker and wider than the adjacent mold cavity thickness for the purpose of directing the flow of injected plastic, and wherein step (d) comprises the step of:

(g) directing second plastic into the second-layer-defining-mold-cavity-section via the second-cavity-flow-channel, so that the second plastic flows in the second-cavity-flow-channel in a direction which is positively different from said second predetermined general direction.

CLAIM LANGUAGE	COURT'S CLAIM CONSTRUCTION
"positively different"	definitely or certainly not alike
"cross-laminated section"	a section of the injection molded plastic product that contains both a first and a second plastic layer, where the first and second plastic layers have positively different flow records-meaning that the flow records of the two layers are definitely not alike.
"predetermined general direction"	the prevalent direction of flow determined before injection of the liquid plastic into the mold
"flow record"	a preserved record, or history, of the predetermined general direction of flow created when the plastic layer solidifies or partially solidifies in the mold
"flow channel"	Flow channel means a portion of the mold cavity that is significantly thicker and wider than the adjacent mold cavity thickness for the purpose of directing the flow of injected plastic. The claim further requires that the flow channel direct flow so that the plastic flows in the flow channel in at least one direction that is positively different from the predetermined general direction. Finally, "significantly thicker and wider" means thick and wide enough relative to the adjacent cavity thickness to direct the flow of injected plastic as required by the claim
"layer-defining-mold-cavity-section"	a section of the mold cavity that defines and forms a layer of a cross-laminated section of the product

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