

United States District Court,
D. Oregon.

ACUMED LLC,
Plaintiff.

v.
STRYKER CORPORATION and Stryker Sales Corporation,
Defendants.

No. 04-CV-513-BR

Oct. 15, 2004.

Frederick C. Laney, Richard B. Megley, Jr., Robert A. Vitale, Jr., Paul K. Vickrey, Niro, Scavone, Haller & Niro, Chicago, IL, James R. Abney, Peter E. Heuser, Kolisch Hartwell, PC, Portland, OR, for Plaintiff.

Gregory J. Vogler, Sharon A. Hwang, Timothy J. Malloy, McAndrews, Held & Malloy, Chicago, IL, Joshua M. Sasaki, John F. Neupert, Miller Nash LLP, Portland, OR, for Defendants.

ORDER ON CONSTRUCTION CLAIM

ANNA J. BROWN, Judge.

This matter coming before the Court for a *Markman* hearing on October 7, 2004 on the disputed terms of U.S. Patent No. 5,472,444, it is hereby ORDERED, for the reasons expressed by the Court during the hearing, that the disputed claim terms are construed as follows:

1. The "shank" is the portion of the rod or nail extending from the butt of the nail.
2. A "curved shank" is a shank that has a bend or deviation from a straight line without sharp corners or sharp angles.
3. "Holes" (in the phrase "defining a plurality of at least three 'transverse holes' ") means openings through the butt portion of the nail. "Transverse" in the same phrase means "being across" or "set crosswise." "Transverse holes," therefore, means holes across the butt portion of the nail.
4. In the phrase "with the three hole axes angularly offset from each other," the term "angularly offset from each other" means the axes of the three holes are spaced apart from each other, an angle is formed by the axes of any two such holes when viewed in two dimensions from the butt end or from the side, and the axes are not aligned in a parallel orientation.

D.Or.,2004.
Acumed LLC v. Stryker Corp.

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