

United States District Court,
N.D. New York.

ENVIRCO CORPORATION,
Plaintiff.

v.

CLESTRA CLEANROOM INC,
Defendant.

CLESTRA CLEANROOM INC,
Counter-claimant.

v.

ENVIRCO CORPORATION,
Counter-defendant.

No. 98-CV-120

Nov. 4, 1998.

Harris Beach & Wilcox, LLP, Syracuse, New York, for Enviroco Corp., Ronald J. Kisicki, of counsel.

Ostrolenk, Faber, Gerb & Soffen, LLP., New York, New York, for Enviroco Corp., Douglas A. Miro, Robert C. Faber, of counsel.

Green & Seifter, P.C., Syracuse, New York, for Clestra Cleanroom, Inc., Lee Alcott, of counsel.

Pennie & Edmonds, LLP, New York, New York, for Clestra Cleanroom, Inc., Brian M. Poissant, of counsel.

MEMORANDUM-DECISION AND ORDER

MUNSON, Senior J.

Plaintiff Enviroco Corporation ("Enviroco"), manufacturer of a fan filter unit patented under U.S. Patent No. 4,560,395 ("the '395 patent"), alleges defendant Clestra Cleanroom, Inc.'s ("Clestra") Clestra Fantom fan filter unit ("the Fantom unit") infringes upon that patent. Clestra denies any infringement and seeks summary judgment, which Enviroco opposes, or bifurcation.

BACKGROUND

The abstract to the '395 patent, entitled "Compact Blower and Filter Assemblies for Use in Clean Air Environments," describes it as:

Compact centrifugal fan and filter assemblies for use in providing laminar flow clean air to a work space

environment such as those within clean rooms and clean air work stations ... wherein the fan creates an airflow which is generally parallel with respect to the filter element and which is thereafter channeled by *baffle* members so as to provide uniform air pressure and airflow across the filter element while reducing vibration and increasing the air flow from the fan and filter assemblies to such clean air environments.

Dft's Mem. of Law at Ex. C. (Emphasis supplied).

The '395 patent contains two baffles, including a "second baffle means" contained in independent claims One, Sixteen and Twenty of the patent. The existence of a second baffle means in the Fantom unit is at the heart of Clestra's instant motion. Succinctly, Clestra argues as follows: the second baffle means has been written in "means-plus-function" form, FN1 so the court must turn to the '395 patent specification to determine the structure of the second baffle means and, in turn, whether the Fantom unit contains such an element or its equivalent. Clestra maintains that upon its doing so, the court will find the Fantom unit does not contain a second baffle means and cannot infringe on the '395 patent either literally or through the doctrine of equivalents. Envirco responds the Fantom unit does have a second baffle means, or at least has its functional equivalent, and does infringe the '395 patent. The court now examines the merits of these arguments.

FN1. *E.g.*, no specific structure describes the second baffle means, rather that element is described in terms of its function.

DISCUSSION

I. Standard for Summary Judgment

Summary judgment is as appropriate in a patent case as any other case. *Eagle Comtronics v. Northeast Filter Co.*, 816 F.Supp. 152, 155 (N.D.N.Y.1993) (McCurn, C.J.) (*citing* *Avia Group Int'l, Inc. v. L.A. Gear Cal., Inc.*, 853 F.2d 1557, 1561 (Fed.Cir.1988)). The standard for summary judgment is well-settled: Rule 56 allows for summary judgment where the evidence demonstrates that "there is no genuine issue of any material fact and the moving party is entitled to judgment as a matter of law." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 106 S.Ct. 2505, 2510, 91 L.Ed.2d 202 (1986). A motion for summary judgment may be granted when the moving party carries its burden of showing that no triable issues of fact exist. *Thompson v. Gjivoje*, 896 F.2d 716, 720 (2d Cir.1990). A dispute regarding a material fact is genuine "if evidence is such that a reasonable jury could return a verdict for the non-moving party." *Anderson*, 477 U.S. at 248, 106 S.Ct. at 2510.

Any inferences to be drawn from the facts must be viewed in the light most favorable to the non-moving party. *Id.*; *United States v. Diebold, Inc.*, 369 U.S. 654, 655, 82 S.Ct. 993, 994, 8 L.Ed.2d 176 (1962) (*per curiam*). If the moving party meets its burden, the burden shifts to the non-moving party to come forward with "specific facts showing that there is a genuine issue for trial." Fed.R.Civ.P. 56(e). The non-moving party "must do more than simply show that there is some metaphysical doubt as to the material facts," however, to defeat a motion for summary judgment. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586, 106 S.Ct. 1348, 89 L.Ed.2d 538 (1986). Finally, if reasonable minds could not differ as to the import of the evidence, then summary judgment is proper. *Id.*, at 250-251, 106 S.Ct. at 2511.

II. Is Summary Judgment Premature?

Initially, Envirco contends summary judgment is premature because Clestra's responses to discovery demands have been "extremely insufficient." Plf's Mem. at 8. Federal Rule of Civil Procedure 56(f) provides:

Should it appear from the affidavits of a party opposing the motion that the party cannot for reasons stated present by affidavit facts essential to justify the party's opposition, the court may refuse the application for judgment or may order a continuation to permit affidavits to be taken or discovery to be had or may make such other order as is just.

The affidavit of a non-movant who seeks additional time for discovery to aid in his opposition to summary judgment must comport with four requirements. He must: (1) include the nature of the uncompleted discovery; (2) show how the facts sought are reasonably expected to create genuine issues of material fact; (3) detail what efforts he has made to obtain those facts; and (4) explain why those efforts were unsuccessful. *Burlington Coat Factory Warehouse Corp. v. Esprit De Corp.*, 769 F.2d 919, 926 (2d Cir.1985).

Douglas A. Miro, counsel for Envirco, complains in his Rule 56(f) affidavit that his client has sought basic information from Clestra, including: (1) Clestra's reasons as to why its Fantom unit does not infringe upon the '395 patent; (2) Clestra's reasons why the '395 patent was invalid; (3) the identity of fan filter products Clestra sells other than the Fantom unit; (4) the identity of all products and services sold in connection with the Fantom unit; (5) information regarding the structure of the Fantom filter unit; (6) the pricing of the Fantom unit; (7) the identity of Clestra's customers; and (8) requests for admissions to determine which elements of the '395 patent are not in dispute. Miro Aff. at para. 2. Miro categorizes Clestra's responses as "obstructionist," and notes Clestra "objected to answering most of the above discovery." *Id.* at para. 3. Miro continues that Envirco has not yet had the opportunity to take discovery depositions regarding, *inter alia*, how the Fantom unit is built, how it operates, and whether it contains a "second baffle means." Envirco also would inquire whether Clestra "makes, uses or sells other fan filter products that infringe the '395 patent." *Id.* at para. 6-7. Miro characterizes discovery on these issues as "crucial to the ultimate resolution of the case and to Envirco's Opposition to [Clestra's] Motion for Summary Judgment on the issue of patent infringement." *Id.* at para. 7.

Judge Scullin of this district recently addressed similar discovery issues in *Canton Bio-Medical, Inc. v. Integrated Liner Technologies, Inc.*, No. 97-CV-467, 1998 WL 480864, 19 F.Supp.2d 22 (N.D.N.Y. Aug.13, 1998), which was also a patent infringement case. In *Canton Bio-Medical, Inc.*, the plaintiff lodged a Rule 56(f) objection on the grounds it needed more discovery to defend against the defendant's motion for summary judgment. As Judge Scullin reasoned:

the two material issues in this motion are (1) claim construction of the Plaintiff's patent, and (2) the applicability of prosecution history estoppel to preclude the Plaintiff from asserting infringement under the doctrine of equivalents. Both of these issues are questions of law[,] which are determined based upon the patent application, specifications and the prosecution history of the patent. If the Court does require additional extrinsic evidence to construe the Plaintiff's claims it may rely on dictionaries, treatises, and if needed, expert opinion. [Footnote omitted] Thus, the Plaintiff's requested further discovery should not affect the Court's decision on this motion.

Id. at *4. The task currently before the court is limited: claim construction of the '395 patent as compared to the Fantom unit, followed by a comparison of this properly construed claim to the accused Fantom unit. The

'395 patent's claim and specification are all the court needs to construe the claim, and both are before the court. FN2 As to Enviroco's claim it needs more discovery on the Fantom unit, two facts belie this claim: (1) as Clestra notes, Enviroco does not contest that Exhibit 2 of Clestra's Rule 7.1(f) Statement represents the Fantom unit; and (2) more importantly, Enviroco already possesses a Fantom unit, which it has been able to examine at length. Enviroco's Rule 56(f) objection is not well-taken as none of the additional discovery it proposes will aid the court in determining the merits of Clestra's motion. The court turns to the merits of Enviroco's patent infringement claim.

FN2. In construing the meaning of a patent claim, a court should consider the patent claims, specifications and, if in evidence, its prosecution history. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979 (Fed.Cir.1995), *aff'd*, 517 U.S. 370, 116 S.Ct. 1384, 134 L.Ed.2d 577 (1996).

III. Standard for Patent Infringement Claims

A patent infringement analysis entails two steps: (1) determining the meaning and scope of the patent claims asserted to be infringed; and (2) comparing the properly construed claims to the device accused of infringing. *Markman*, 52 F.3d at 976. The construction of patent claims is a matter of law for the court to determine. *Id.* at 979. The question of infringement usually is a question of fact. *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1573 (Fed.Cir.1997); *accord Southwall Technologies, Inc. v. Cardinal IG Company*, 54 F.3d 1570, 1575 (Fed.Cir.), *cert. denied*, 516 U.S. 987, 116 S.Ct. 515, 133 L.Ed.2d 424 (1995).

To determine the proper construction of a patent claim, courts first analyze intrinsic evidence, which comprises three things: its claims, specification and, if in evidence, prosecution history. *Vitronics Corp. v. Conceptor, Inc.*, 90 F.3d 1576, 1582 (Fed.Cir.1996); *accord Unique Concepts, Inc. v. Brown*, 939 F.2d 1558, 1561 (Fed.Cir.1991). Intrinsic evidence is the most significant source of the legally operative meaning of disputed claim language. *Vitronics*, 90 F.3d at 1582.

Initially, courts review the claim, particularly the language that defines the scope of the claim's protection. *Bell Communications Research, Inc. v. Vitalink Communications Corporation*, 55 F.3d 615, 619 (Fed.Cir.1995). This language is ascribed its "ordinary meaning[,] unless it appears the inventor used [it] otherwise." *Id.* at 620; *see also Hoechst Celanese Corp. v. BP Chems. Ltd.*, 78 F.3d 1575, 1578 (Fed.Cir.1996); *Wolverine World Wide, Inc. v. Nike, Inc.*, 38 F.3d 1192, 1196 (Fed.Cir.1994) (unless specification or "file history indicate that the inventor intended otherwise, a claim term will be accorded its ordinary and accustomed meaning"). In other words, the court determines "what one of ordinary skill in the art at the time of the invention would have understood the term to mean." *Markman*, 52 F.3d at 986.

Courts also review the patent specification to determine whether the inventor has used any terms in a manner not consonant with their ordinary meaning. The specification contains a written description of the invention and operates "as a sort of dictionary, which explains the invention and may define terms used in the claims." *Id.* at 979. It is the single best guide to the meaning of a disputed term. *Vitronics*, 90 F.3d at 1582. Courts do not accord the specification the same weight as the claim itself, but instead may consult it to give the necessary context to the claim language. *See Eastman Kodak Co. v. Goodyear Tire & Rubber Co.*, 114 F.3d 1547, 1555 (Fed.Cir.1997).

If available, courts consider the patent's prosecution history. *Graham v. John Deere*, 383 U.S. 1, 33, 86 S.Ct.

684, 701-02, 15 L.Ed.2d 545 (1966). The prosecution history contains the complete record of all the proceedings before the Patent and Trademark Office, including any express representations made by the applicant regarding the scope of the claims. Separate and apart from the concept of prosecution history estoppel, statements made by an applicant during the application process may confirm and define a claim term. Southwall Technologies, Inc., 54 F.3d at 1578. As the prosecution history is not before the court, however, the court cannot-and need not-consult it.

Often the intrinsic evidence alone is enough to resolve any ambiguity in a disputed claim term and courts need look no further. *See Vitronics*, 90 F.3d at 1583 (if intrinsic evidence "unambiguously describes the scope of the patented invention, reliance on any extrinsic evidence is improper"). Yet, on occasion, courts need assistance in determining the meaning or scope of technical terms in the claims. In such instances courts may rely upon extrinsic evidence to understand better the meaning of the language and relevant technology at issue. *Markman*, 52 F.3d at 980; *Pall Corp. v. Micron Separations, Inc.*, 66 F.3d 1211, 1216 (Fed.Cir.1995). Typically extrinsic evidence includes expert witness testimony, such as evidence of how those skilled in the art would interpret the claims. *Fonar Corp. v. Johnson & Johnson*, 821 F.2d 627, 631 (Fed.Cir.1987). Although extrinsic evidence may serve a useful purpose, it cannot vary the clear meaning of the terms in the claims: it only may provide background evidence to assist the court in its task of assigning particular meanings to the claims at issue. *Id.* at 981. In this instance, as discussed *infra*, the intrinsic evidence before the court is enough for it to render a decision.

a. Construing the scope of the '395 patent claim

The patentee bears the burden of proving infringement by a preponderance of the evidence. *CVI/Beta Ventures, Inc. v. Tura LP*, 112 F.3d 1146, 1161 (Fed.Cir.1997). To succeed in a patent infringement case, the patentee must show every limitation set forth in a patent claim is found in an accused product or process. *Becton Dickinson and Company v. C.R. Bard, Inc.*, 922 F.2d 792, 796 (Fed.Cir.1990). If, as Clestra contends, the claim limitation regarding a second baffle means or its equivalent set forth in claims One, Sixteen or Twenty is missing from the Fantom unit, there is no infringement. *London v. Carson Pirie Scott & Company*, 946 F.2d 1534, 1539 (Fed.Cir.1991).

In relevant part, claim One reads:

1. *second baffle means* disposed radially outwardly of said centrifugal fan means and said first baffle means, *second baffle means* having inner surfaces for directing the airflow from said centrifugal fan means inwardly of said primary housing and between said first baffle means and said filter means whereby air being introduced into said housing by said centrifugal fan means will be directed radially outwardly of said centrifugal fan means and guided by said first baffle means towards said *second baffle means* and thereafter by said *second baffle means* between said first baffle means and said air filter means.

'395 pat., col. 10, ll. 20-32 (emphasis supplied). FN3

FN3. In relevant part, claims Sixteen and Twenty read:

16 ... a pair of *second baffle means* disposed radially outwardly on opposite sides of said centrifugal fan and within the plenum chamber, *said second baffle means having at least one air deflecting surface for directing the air passing radially outwardly from said centrifugal fan inwardly of the plenum chamber and toward said filter means* ... Col. 12, ll. 35-41 (emphasis supplied).

20 *second air baffle means* carried by said upper section of said housing so as to be oriented radially outwardly and in spaced relationship to said first said baffle means, *said second air baffle means having inner surfaces for deflecting air flow from said centrifugal fan inwardly of said housing and between said first air baffle means and said filter means* whereby the flow of air will be directed radially outwardly by said centrifugal fan and said first air baffle means toward said second air baffle means and *thereafter by said second air baffle means between said first air baffle means and said filter means so that the flow of air is distributed across said air filter means*. Col. 13, l. 25-col. 14, l. 6 (emphasis supplied).

Clestra argues, and the court agrees, that the second baffle means is described in "means-plus function" form as provided for in 35 U.S.C. s. 112, para. 6. Pursuant to that statute,

an element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

"To determine whether a claim limitation is met literally, where expressed as a means for performing a stated function, the court must compare the accused structure *with the disclosed structure*, and must find equivalent *structure* as well as *identity* of claimed function for that structure." *Penwalt Corp. v. Durand-Wayland, Inc.*, 883 F.2d 931, 934 (Fed.Cir.1987) (en banc) (emphasis in the original). *See also* King Instruments Corp. v. Perego, 65 F.3d 941, 945-46 (Fed.Cir.1995) (citation omitted), *cert. denied*, 517 U.S. 1188, 116 S.Ct. 1675, 134 L.Ed.2d 778 (1996). The "means" term in a means-plus-function limitation essentially is a generic reference to the corresponding structure disclosed in the specification, so a determination of corresponding structure is a determination of the meaning of the "means" term in the claim and is also a matter of claim construction. *Chiuminatta Concrete Concepts v. Cardinal Industries*, 145 F.3d 1303, 1308 (Fed.Cir.1998).

b. Does the Fantom unit infringe the '395 patent under a means-plus-function analysis?

To answer this question, the court first must provide a brief overview of the '395 patent. Again, the abstract to the '395 patent describes it as "compact centrifugal fan and filter assemblies" that provide an even flow of clean air to work environments, such as "clean rooms and clean air work stations." A blower unit provides an airflow, generally parallel with respect to a HEPA filter element, which ultimately is channeled by two separate baffles "so as to provide uniform air pressure and airflow across the filter element while reducing vibration and increasing the air flow from the fan and filter assemblies to such clean air environments."

More specifically, the blower unit directs airflow into the first baffle, which is located directly underneath it. The first baffle has "outwardly extending wall portions" that "extend outwardly" from the blower unit toward the "sidewalls of said primary housing so as to create an airflow space radially" of the blower unit between the first baffle and the sidewalls. '395 pat., col. 10, ll. 15-21. The second baffle, located on the sidewalls, has "inner surfaces for directing the airflow" from the blower unit "*inwardly* of said primary housing and between the inner surfaces for directing the airflow ... *inwardly* of said primary housing." *Id.*, at 11. 23-26 (emphasis supplied). Ultimately, the placement and design of the two baffles means "air being

introduced into said housing" by the blower unit "will be directed radially outwardly" of the blower unit, guided by the first baffle towards the second baffle, and thereafter by the second baffle to the space between the first baffle and the HEPA filter. Id., at 11. 27-32. The description of the preferred embodiment specifically explains the function of the "side baffles" - *i.e.*, the second baffle-as "to direct the airflow generally in an *arcuate* fashion downwardly and *inwardly* towards the HEPA filter element." '395 pat., col. 5, ll. 31-33 (emphasis supplied). The description continues that the second baffle provides "continuous *arcuate* surfaces to direct airflow away from the sidewalls." Id., at 11. 40. In short, the '395 patent requires an arcuate shaped second baffle, the purpose of which is to direct airflow inwardly to the HEPA filter.

At least for the purposes of this motion, the parties do not dispute that the Fantom unit contains a blower unit, first baffle, housing and a HEPA filter that correspond to the placement of those items in the '395 patent; rather, the dispute is whether the sound dampening materials of the Fantom unit are equivalent to the second baffle described in the '395 patent. The sound dampening material, made of foam, is lined against the housing of the Fantom unit in the shape of a horizontal "L" on each side of the blower unit. The smaller part of each "L" represents the side of the Fantom unit just above its HEPA filter, while the longer part of the "L" traverses the ceiling of the unit, until it meets the blower unit. Envirco submits that these foam-shaped "L's" comprise a second baffle; like the second baffle in the '395 patent, Envirco maintains, the sound dampening material in the Fantom unit directs airflow from a first baffle "radially inwardly into the spaces between the first baffle[] and the filter[], and then across the filter." Leader Decl. para. 9-13, Ex. B. It also notes that the description of the preferred embodiment allows that the second baffle may be composed of sound dampening material. FN4 '395 pat., col. 5, ll. 41-46. Finally, Envirco claims that even without the sound dampening material, the Fantom unit still would contain a second baffle: the top and side walls of its housing, which similarly would deflect air to the base of the unit.

FN4. It also may be composed of metal or plastic. Id.

Clestra counters, correctly, that Envirco's latter argument is meritless. Clearly the '395 patent requires a housing and a second baffle. FN5 As to Envirco's argument that the Fantom unit's "L-shaped" sound dampening material is a second baffle, Clestra responds: (1) the material "is simply flat, straight sound dampening material, not a second baffle means"; (2) according to claims One and Sixteen, the second baffle must be disposed "radially outwardly" of the blower unit or, according to claim Twenty, it must be "oriented radially and outwardly and in a spaced relationship" to the first baffle- *e.g.*, the second baffle must be to the side, within the radius of either the fan or the first baffle; and (3) the second baffle must be arcuate. Clestra concludes that the disputed sound dampening material, which clearly is not arcuate, is not within the radius of either the fan or first baffle because it is located above the fan.

FN5. *E.g.*, Claim One requires "a primary housing having first and second end portions and substantially closed sidewall portions." '395 pat., col. 9, ll. 65-67. Claim Sixteen requires a "chamber having closed sidewalls, and first and second end walls." '395 pat., col. 12, ll. 15-16. Lastly, claim Twenty mandates a "housing having upper and lower sections." '395 pat., col. 13, l. 7.

Clestra's points are well taken. The proper test under a means-plus-function analysis is "whether the differences in the accused device and any disclosed in the specification are insubstantial." Chiuminatta, 145 F.3d at 1309 (citation omitted). While it is true that the second baffle of the '395 patent may be composed of sound dampening material, it is also true that it must be disposed radially outwardly, or arcuately. The L-

shaped sound dampening material in the Fantom unit simply does not meet this description: it is not the equivalent structure of the '395 patent's second baffle: it does not infringe the '395 patent under a means-plus-function analysis. *Penwalt Corp.*, 883 F.2d at 934.

c. Does the Fantom unit infringe on the '395 patent under the doctrine of equivalents?

Ordinarily, a finding of a lack of literal infringement for lack of equivalent structure under a means-plus-function limitation will preclude a finding of equivalence under the doctrine of equivalents. *Chiuminatta*, 145 F.3d at 1310. Yet, under certain circumstances, even if a product or process does not infringe under a means-plus-function analysis, it may infringe under the doctrine of equivalents. As the Federal Circuit recently explained:

There is an important difference ... between the doctrine of equivalents and s. 112, para. 6. The doctrine of equivalents is necessary because one cannot predict the future. Due to technological advances, a variant of an invention may be developed after the patent is granted, and that variant may constitute so insubstantial a change from what is claimed in the patent that it should be held to be an infringement. Such a variant, based on after-developed technology, could not have been disclosed in the patent. Even if such an element is found not to be a s. 112, para. 6, equivalent because it is not equivalent to the structure disclosed in the patent, this analysis should not foreclose it from being an equivalent under the doctrine of equivalents.

Id.

Here Envirco cannot prevail under the doctrine of equivalents because: (1) there is no equivalence of the '395 patent's second baffle and the Fantom unit's L-shaped sound dampening material under a means-plus-function analysis, *e.g.*, s. 112, para. 6; and (2) the Fantom unit's L-shaped sound dampening material is technology that predates the '395 patent, and *not* a later-developed technology. *See Chiuminatta*, 145 F.3d at 1311 (directing summary judgment where structure of accused device differs substantially from structure of disclosed device "and given the prior knowledge of the technology asserted to be equivalent, it could readily have been disclosed in the patent"). FN6 Envirco's claim of infringement under the doctrine of equivalents must fail.

FN6. As the Federal Circuit noted, a patentee should not "get two bites at the apple. If he or she could have included in the patent what is now alleged to be equivalent, and did not, leading to a conclusion that an accused device lacks an equivalent to the disclosed structure, why should the issue of equivalence have to be litigated a second time?" *Id.*

IV. Clestra's motion for bifurcation

Subsequent to its filing a motion for summary judgment, Clestra filed a motion for bifurcation on the issues of liability and damages. Given the disposition of Clestra's summary judgment motion, its motion for bifurcation is dismissed as moot.

V. Clestra's Counterclaim

Clestra has filed a counterclaim in this matter that seeks, *inter alia*, dismissal of Envirco's complaint, a declaration that the Fantom unit does not infringe upon the '395 patent, and attorney's fees, costs and disbursements. The court does not award Clestra attorney's fees, costs and disbursements in this matter; and,

as the disposition of the instant motion renders the remainder of Clestra's counterclaim moot, it is dismissed.

CONCLUSION

Based upon the foregoing, Clestra's motion for summary judgment is GRANTED and Enviroco's complaint is DISMISSED. Clestra's motion for bifurcation also is DISMISSED. Moreover, as no attorney's fees, costs or disbursements are to be awarded Clestra, and the disposition of its instant motion renders the remainder of its counterclaim moot, Clestra's counterclaim also is DISMISSED.

IT IS SO ORDERED.

N.D.N.Y.,1998.

Enviroco Corp. v. Clestra Cleanroom Inc.

Produced by Sans Paper, LLC.