

United States District Court,
D. Oregon.

SEIKO EPSON CORPORATION, a Japan corporation; Epson America, Inc., a California corporation; and Epson Portland, Inc., an Oregon corporation,
Plaintiffs.

v.

PRINT-RITE HOLDINGS, LTD., a China corporation; Multi-Union Trading Co., Ltd., a China corporation; Print-Rite Management Services Co., a China corporation; and Dynamic Print USA, Inc., a California corporation; and Does 1-10,
Defendants.

Civil No. 01-500 BR

July 8, 2003.

David Eiseman, Quinn Emanuel Urquhart Oliver & Hedges, LLP, San Francisco, CA, J.D. Horton, Keith A. Meyer, Ryan S. Goldstein, Tigran Guledjian, William G. Berry, Harold A. Barza, Steven M. Anderson, Quinn Emanuel Urquhart Oliver & Hedges, LLP, Los Angeles, CA, David W. Axelrod, Schwabe Williamson & Wyatt, PC, Portland, OR, for Plaintiffs.

Doyle B. Johnson, Morgan W. Tovey, Adaline J. Hilgard, Christine M. Morgan, Doyle B. Johnson, Morgan W. Tovey, Scott D. Baker, Reed Smith, LLP, San Francisco, CA, Randolph C. Foster, Steven T. Lovett, Randolph C. Foster, Steven T. Lovett, Stoel Rives, LLP, Portland, OR, for Defendants.

ORDER REGARDING CLAIM CONSTRUCTION OF DISPUTED CLAIM TERMS

ANNA J. BROWN, District Judge.

Having duly considered the memoranda submitted by the parties, the arguments presented by counsel at the *Markman* hearings held on May 22-23 and May 30, 2003, and the evidence of record regarding the construction of certain of the disputed claim terms of the Patents-in-Suit, the Court, for the reasons stated on the record, Orders as follows:

1. The term "dot matrix printer" shall be construed as "any type of printer which causes a matrix of ink dots to be placed on an ink-receiving surface to form a character, figure, graphic image, or the like." [*see, e.g.*, 169: 3-6, 5/22/03]
2. The term "dot matrix printer head" shall be construed as "the print head of any type of printer which causes a matrix of ink dots to be placed on an ink-receiving surface to form a character, figure, graphic image, or the like." [*see, e.g.*, 169: 3-6, 5/22/03]
2. The term "ink-jet type recording apparatus" shall be construed as "a printer that causes ink droplets to be

sprayed or ejected onto an ink receiving surface to form a character, figure, graphic image, or the like." [*see, e.g., 12: 18-21, 5/23/03*]

3. The term "means projecting into said ink supply tank for receiving and transmitting ink from said ink absorbing member" shall be construed as "a structure projecting into and out of the ink tank and having two or more passages along its length to receive and carry ink out of the tank by capillary force, and all equivalents thereof." [*see, e.g., 80: 18-22, 5/23/03*]

4. The term "separate means projecting into each of said ink supply tank sections [and into said further separate ink supply tank] for receiving and transmitting ink from the associated ink absorbing member" shall be construed as "a structure, existing separately in each ink-supply section [and in the further separate ink-supply tank], projecting into and out of the section [and further tank] and having two or more passages along its length to receive and carry ink out of the section [and further tank] by capillary force, and all equivalents thereof." [*see, e.g., 80: 23-81:3, 5/23/03*]

5. The term "[ink] receiving and transmitting means" shall be construed as "a structure projecting into and out of the ink tank and having two or more passages along its length to receive and carry ink out of the tank by capillary force, and all equivalents thereof." [*see, e.g., 80: 18-22, 5/23/03*]

6. The term "elongated member" requires no construction. [*see, e.g., 90: 2-3, 5/23/03*]

7. The term "ink receiving and transmitting member" requires no construction. [*see, e.g., 94:17-18, 5/23/03*]

8. The term "passage extending therealong" requires no construction. [*see, e.g., 94:22-95:23, 5/23/03*]

9. The term "ink-supply delivery port" shall be construed as "a structure with an opening for the movement of ink." [*see, e.g., 105: 20-21, 5/23/03*]

10. The term "ink supply port" shall be construed as "a structure with an opening for the movement of ink." [*see, e.g., 106: 6-9, 5/23/03*]

11. The term "ink supply outlet" shall be construed as "a structure through which the ink supply is let out." [*see, e.g., 106:6-108:25, 5/23/03*]

12. The term "an opening at at least the distal end thereof and with a passage extending longitudinally therealong" shall be construed as "an opening at at least the far end thereof and with a passage extending longitudinally therealong." [*see, e.g., 118: 20-119:2, 5/23/03*]

13. The term "an opening for the passage of ink" requires no construction. [*see, e.g., 120: 20-24, 5/23/03*]

14. The term "ink supply needle" requires no construction, [*see, e.g., 130: 23-25, 5/23/03*]

15. The term "cover[ed] means bearing on said ink absorbing member when assembled to said ink-supply tank to at least in part apply a compressive force to effect compression of said ink absorbing member" shall be construed as "a cover having generally flat exterior and interior surfaces, and either with or without projections extending from the interior surface of the cover, which bears on [the identified ink absorbing member] and applies a squeezing force to maintain in a squeezed state [the identified ink absorbing

member], and all equivalents thereof." [*see, e.g.*, 30: 17-19, 5/30/03]

16. The term "cover bearing on said ink absorbing member when assembled to said ink-supply tank to at least in part apply a compressive force to effect compression of said ink absorbing member" shall be construed as "a cover that bears on the ink absorbing member when the cover is assembled to the ink-supply tank and applies a squeezing force to maintain in a squeezed state the ink absorbing member." [*see, e.g.*, 37: 3-5, 5/30/03]

17. The term "compressive force to effect compression of" shall be construed as "a squeezing force to maintain in a squeezed state." [*see, e.g.*, 38: 3-4, 5/30/03]

18. The term "funnel shaped packing member" requires no construction, [*see, e.g.*, 62: 8-15, 5/30/03]

19. The term "means for providing ambient air" shall be construed as "a front wall air hole and all equivalents thereof." [*see, e.g.*, 65: 9-14, 5/30/03]

20. The term "projections to provide a space" requires no construction, [*see, e.g.*, 66: 20-24, 5/30/03]

21. The terms "a portion of said projections extending from the inner wall surface of said cover" and "a portion of said projections extending from the inner wall surface of said cover means" require no construction, [*see, e.g.*, 69: 4-6, 5/30/03]

22. The term "a pressure sufficiently low to substantially eliminate air bubbles" requires no construction, [*see, e.g.*, 90: 7-91:5, 5/30/03]

23. The term "blank ink" of Claim 16 of U.S. Patent No. 5,156,470 shall be construed as "black ink." [*see, e.g.*, 99: 14-17 and 102: 10-12, 5/30/03]

24. The term "covered means" of Claim 22 of U.S. Patent No. 5,156,470 shall be construed as "cover means." [*see, e.g.*, 99: 14-17 and 102: 10-12, 5/30/03]

25. The term "said in-supply sections" of Claim 1 of U.S. Patent No. 5,156,470 shall be construed as "said ink-supply sections." [*see, e.g.*, 99: 14-17 and 102: 10-12, 5/30/03]

26. The term "the wall of each of said ink-supply sections and of said further ink-supply tank facing the associated ink-supply delivery port said part of a cover means" of Claim 10 of U.S. Patent No. 5,156,470 shall be construed as "the wall of each of said ink-supply sections and of said further ink-supply tank facing the associated ink-supply delivery port is a part of a cover means." [*see, e.g.*, 99: 14-17 and 102: 10-12, 5/30/03]

27. The term "said printing mechanism" of Claim 61 of U.S. Patent No. 5,560,720 shall not be construed. [*see, e.g.*, 107: 8-9, 5/30/03]

28. The term "a comprehensive force to effect compression" of Claim 76 of U.S. Patent No. 5,560,720 shall not be construed. [*see, e.g.*, 115: 10-12, 5/30/03]

29. The term "said ink absorbing port" of Claim 23 of U.S. Patent No. 5,221,148 shall be construed as "said

port." [*see, e.g.*, 120: 17-21, 5/30/03]

30. The term "said unitary piece of porous material" of Claim 60 of U.S. Patent No. 5,421,658 shall not be construed. [*see, e.g.*, 126: 5-6, 5/30/03]

31. The term "ink-supply delivery port" of Claim 11 of U.S. Patent No. 5,221,148 shall not be construed, [*see, e.g.*, 130: 18-25, 5/30/03]

32. By signing below, counsel for the parties stipulate that the foregoing accurately reflects the Court's claim construction rulings, but the parties shall not be deemed to have waived any objections, for the purposes of appeal or otherwise, to such rulings.

IT IS SO ORDERED.

D.Or.,2003.

Seiko Epson Corp. v. Print-Rite Holdings, Ltd.

Produced by Sans Paper, LLC.