

United States District Court,
D. Delaware.

IZUMI PRODUCTS COMPANY,
Plaintiff.

v.

KONINKLIJKE PHILIPS ELECTRONICS N.V., a Dutch corporation; Philips Electronics North America Corporation; a Delaware corporation; and Philips Domestic Appliances and Personal Care B.V., a Dutch corporation,
Defendants.

No. Civ. 02-156-SLR

April 27, 2004.

Jack B. Blumenfeld, Morris, Nichols, Arsht & Tunnell, Wilmington, DE, for Plaintiff, Movant and Counter-Defendant.

Richard L. Horwitz, Potter Anderson & Corroon, LLP, Wilmington, DE, for Defendants and Counter-Claimants.

MEMORANDUM ORDER

ROBINSON, J.

At Wilmington this 27th day of April, 2004, having heard oral argument and having reviewed the papers submitted in connection with the parties' proposed claim construction;

IT IS ORDERED that the disputed claim language in U.S. Patent No. 5,408,749 ("the '749 patent"), as identified by the above referenced parties, shall be construed consistent with the tenets of claim construction set forth by the United States Court of Appeals for the Federal Circuit, as follows: FN1

FN1. The court notes that its claim construction is not final until judgment is entered. If, on a more developed record, the court concludes that the current claim construction is in error, the court will re-construct the claims accordingly.

1. "A recess comprising an indentation formed immediately beneath said cutting edge surface/a recess formed below said cutting edge surface." Consistent with the plain language used in the claims and the teachings of the specification, the court construes the phrases "a recess comprising an indentation formed immediately beneath said cutting edge surface/a recess formed below said cutting edge surface" to mean "a cut out formed directly under the cutting edge surface and orientated in a horizontal direction parallel to the cutting edge surface." The "Summary of the Invention" section of the specification describes how to form

the cut out. "It is ... possible to form a recess of a great amount of indentation on the upper rear surface of the cutter blade so that the recess is located immediately beneath the rear edge of the cutting edge surface that is on the opposite side from the direction of rotation of the inner cutter." ('749 patent, col. 2 at 11. 43-48) The specification explains that the purpose for the cut out is to prevent shaving debris from adhering to the surface of the inner cutter, including the cutter blades and cutting edge surface. (*Id.* at 11. 55-60; col. 5 at 11. 1-13; col. 6 at 11. 49-54)

2. "Whereby said cutting edge surface is made thinner than a thickness of said cutter blade." Consistent with the plain language used in the claim and the teachings of the specification, the court construes the phrase "whereby said cutting edge surface is made thinner than a thickness of said cutter blade" to mean that "the horizontal thickness of the cutting edge surface after formation of the recess is thinner than the original horizontal thickness of the cutter blade." The specification states that the thickness of the cutting edge "will be the thickness of the cutter blade, which is referred to by A in Fig. 8." (*Id.* at 11. 4-6; *see* Fig. 8) Figure 8, in turn, shows the original horizontal thickness of the inner blade prior to formation of the recess.

3. "A plurality of cutter arms extending from an outer edge of said cutter disk in a vertical direction relative to said cutter disk." Consistent with its ordinary meaning, the court construes the phrase "a plurality of cutter arms extending from an outer edge of said cutter disk in a vertical direction relative to said cutter disk" to mean that two or more projections extend in a vertical direction from the outer edge of the cutter disk.

4. "Through hole/a cutter disk with a through hole at a center thereof." Consistent with its ordinary meaning, the court construes the term and phrase, "through hole/a cutter disk with a through hole at a center thereof," respectively, to mean that "the cutter disk contains a hole in its center."

D.Del.,2004.

Izumi Products Co. v. Koninklijke Philips Electronics N.V.

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