

United States District Court,
D. South Carolina, Columbia Division.

The HASELDEN COMPANY, INC,
Plaintiff.

v.

ENPROTECH PROCESSING SERVICES, LLC, d/b/a/ RDM Technologies, and MicroBlend, Inc,
Defendants.

No. C.A.3:04-0320-CMC

June 14, 2006.

Craig N. Killen, Jeremy Whitley, William H. Latham, Nelson Mullins Riley and Scarborough, Columbia, SC, for Plaintiff.

Valentine Henry Stieglitz, III, William Y. Klett, III, Marcus Angelo Manos, Nexsen Pruet Jacobs and Pollard, Columbia, SC, for Defendant Enprotech Processing Services LLC.

ORDER CONSTRUING DISPUTED PATENT TERMS

CAMERON McGOWAN CURRIE, **District Judge.**

This matter came before the court for hearing on June 14, 2006, to resolve disputes as to the proper construction of certain terms contained in Claims 1 through 5 of U.S. Patent No. 6,367,655. At the conclusion of the hearing, the court ruled orally, having addressed its reasoning during the course of the hearing. The oral rulings are summarized below.

1. Preamble

The preamble to Claims 1-5 does not, itself, require interpretation but does impose the following limitations on Claims 1-5:

- (a) Claims 1-5 address only situations in which the supply of syrup is more limited than the supply of bottles;
- (b) Limitations 1(a) through 1(c) logically must be performed in order, and Limitations 1(d) and 1(e) logically must be performed in order, but there is no requirement that Limitations 1(a) through 1(c) be performed before Limitations 1(d) through 1(e), as the two sets of steps could be performed simultaneously.

2. Computerized or programmed operations

Claim 1 cannot be interpreted to *require* anything more than a fully manual system such as one in which "levels" are determined by some visual means (e.g., clear tank with demarcations for volume, floating ball in

"measuring" tube, or dip stick). Use of a computerized or other automated means of accomplishing the limitations in Claim 1 (such as is required by Claim 3) would not, however, defeat Claim 1. Therefore, a system which includes all limitations in Claim 1 *and uses a microprocessor* to perform any of the steps represented by those limitations would infringe both Claims 1 and 3.

3. "Dropping the level"

The phrase "dropping the level," as used in Limitation 1(c), means reducing the volume of syrup in the syrup recovery tank, with the volume being measurable by the height of the liquid in the tank.

4. "Pre-set level"

"Pre-set," as used in Limitation 1(c), means determined before commencement of any step in the claimed method. "Level" refers to the height of the liquid in the syrup recovery tank (thus allowing volume to be measured based on the height of the liquid).

5. "Measuring"

"Measuring," as used in Limitation 1(d), refers to determining the total volume of containers (number of containers times volume per container) rather than determining a raw number of containers.

6. "On the filler"

"On the filler" as used in Claim 4 and Claim 5 at Limitation 5(e) means "located on or connected to the filler," not "at or near the filler."

7. "Depalletizer input button"

"Depalletizer input button" as used in Limitation 5(e) refers to a button located adjacent to the depalletizer which opens the gate on the filler.

8. Identical terms in Claims 1 and 5

Identical terms in Claims 1 and 5 shall be interpreted to have identical meanings.

IT IS SO ORDERED.

D.S.C.,2006.

Haselden Co., Inc. v. Enprotech Processing Services, LLC

Produced by Sans Paper, LLC.