

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

Case Number: 5:20-CV-00142

DYNATEMP INTERNATIONAL, INC.)
and FLUOROFUSION SPECIALTY)
CHEMICALS, INC.,)

Plaintiffs,)

v.)

RMS OF GEORGIA, LLC d/b/a CHOICE)
REFRIGERANTS, KENNETH M.)
PONDER and LENZ SALES &)
DISTRIBUTING, INC.,)

Defendants.)

R421A, LLC and RMS OF GEORGIA,)
LLC d/b/a CHOICE REFRIGERANTS,)

Plaintiffs,)

v.)

DYNATEMP INTERNATIONAL, INC.;)
HAROLD B. KIVLAN, IV; WILLIAM)
GRESHAM; FLUOROFUSION)
SPECIALTY CHEMICALS, INC.; and)
DAVID COUCHOT,)

Defendants.)

**PLAINTIFFS R421A, LLC AND RMS
OF GEORGIA, LLC'S RESPONSIVE
CLAIM CONSTRUCTION BRIEF**

TABLE OF EXHIBITS

Exhibit A	U.S. Patent Publication No. 2003/0062508 to Singh
Exhibit B	Excerpts of ASHRAE Glossary

TABLE OF CONTENTS

I. INTRODUCTION	1
II. ARGUMENT (CLAIM TERMS).....	3
A. “refrigerant gases”	3
B. “apparatus designed for use with [a] chlorodifluoromethane refrigerant”	10
III. CONCLUSION	13

TABLE OF AUTHORITIES

Cases

<i>Aventis Pharm., Inc. v. Amino Chems. Ltd.</i> , 715 F.3d 1363 (Fed. Cir. 2013)	11
<i>Epistar Corp. v. Int’l Trade Comm’n</i> , 556 F.3d 1321 (Fed. Cir. 2009).....	13
<i>Hill-Rom Servs. v. Stryker Corp.</i> , 755 F.3d 1367 (Fed. Cir. 2014)	10, 13
<i>Home Diagnostics, Inc. v. LifeScan, Inc.</i> , 381 F.3d 1352 (Fed. Cir. 2004).....	10
<i>Key Pharm. v. Hercon Labs. Corp.</i> , 161 F.3d 709 (Fed. Cir. 1998).....	8
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005)	7, 8, 11
<i>ProMOS Techs., Inc. v. Samsung Elecs. Co.</i> , 809 F. App'x 825 (Fed. Cir. 2020).....	10
<i>Thorner v. Sony Comput. Entm't Am. LLC</i> , 669 F.3d 1362 (Fed. Cir. 2012)	13
<i>Vitronics Corp. v. Conceptronic, Inc.</i> , 90 F.3d 1576 (Fed. Cir. 1996)	2, 7

CLAIM TERMS IN DISPUTE

Claim Term	Plaintiffs' Proposed Construction	Defendants' Proposed Construction
refrigerant gases <u>179</u> : 21, 26, 31 <u>706</u> : 1, 9, 17 <u>949</u> : 1, 5, 6, 7, 11, 13, 14, 16, 18	combination of refrigerant components in the refrigerant composition	refrigerants that is are neither liquid nor solid at standard temperature (68°F) and pressure (one standard atmosphere)
apparatus designed for use with [a] chlorodifluoromethane refrigerant <u>179</u> : 21, 26, 31 <u>706</u> : 1, 9 <u>949</u> : 1, 7	Plain and ordinary meaning	Refrigeration system designed to use R-22

AGREED PROPOSED CONSTRUCTIONS

Claim Term	Agreed Proposed Construction
chlorodifluoromethane refrigerant <u>179</u>: 21, 26 <u>706</u>: 1, 9 <u>949</u>: 1, 7	R-22
substituting the chlorodifluoromethane with a refrigerant composition <u>179</u>: 21 <u>706</u>: 1 <u>949</u>: 1	replacing R-22 in an apparatus with a refrigerant composition
refrigerant <u>179</u>: 21, 25, 26, 30, 31, 33, 35 <u>706</u>: 1, 9, 17, 18 <u>949</u>: 1, 5, 6, 7, 11, 13, 14, 15, 16, 18	substance used in a refrigeration system that, after compression in the system's compressor, gives off heat as it changes from gas to liquid in the condenser and, after injection into the evaporator, absorbs heat as it changes from liquid to gas before it is returned to the compressor
refrigerant composition <u>179</u>: 21, 26, 31, 33, 35 <u>706</u>: 1, 9, 17, 18 <u>949</u>: 1, 5, 6, 7, 11, 13, 14, 15, 16, 18	a composition including a blend of two or more refrigerants

refrigerant composition designed to achieve a phase change <u>179</u>: 21, 26 <u>706</u>: 1, 9 <u>949</u>: 1, 7	refrigerant composition designed so that the refrigerant composition, after compression in a refrigeration system's compressor, gives off heat as it changes from gas to liquid in the condenser and, after injection into the evaporator, absorbs heat as it changes from liquid to gas before it is returned to the compressor
non-refrigerant gas component / nonrefrigerant gas components <u>179</u>: <u>706</u>: 1, 9, 17 <u>949</u>: 5, 6, 11, 13	component of a refrigerant composition that is not a refrigerant gas / components of a refrigerant composition that are not refrigerant gases
dew point <u>179</u>: 21, 23, 26, 28, 31, 33 <u>706</u>: 1, 2, 9, 17, 18 <u>949</u>:	the temperature at which the last drop of a liquid boils at a specified pressure
bubble point <u>179</u>: 21, 23, 26, 28, 31, 33 <u>706</u>: 1, 2, 9, 17, 18 <u>949</u>:	the temperature at which a liquid first begins to boil at a specified pressure
glide <u>179</u>: 24, 29	the difference between the bubble point and dew point at the same pressure

706: 949:	
consisting of <u>179</u> : 21, 26, 31 <u>706</u> : 1, 9, 17 <u>949</u> : 1, 7, 14	composed only of the element or elements specified
substitute refrigerant <u>179</u> : 21, 25, 26, 30, 31 <u>706</u> : <u>949</u> : 1, 7	refrigerant usable in an apparatus as a replacement for R-22
substitute refrigerant composition <u>179</u> : 26 <u>706</u> : 9 <u>949</u> :	refrigerant composition usable in an apparatus as a substitute for R-22
lubricating oil <u>179</u> : <u>706</u> : 1, 9, 17 <u>949</u> : 5, 6, 11, 13, 16, 18	substance used to reduce friction, heat and wear between mechanical components
cylinder can <u>179</u> : 26 <u>706</u> : 9	cylindrical container like the standard 25 or 30 lb. container used for containing R-22 (see photo below)

<u>949</u>: 7	
chlorodifluoromethane recharging manifold <u>179</u>: 26 <u>706</u>: 9 <u>949</u>: 7	a port for conveying R-22 from a pressurized container into an apparatus