

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HENGST SE,

Plaintiff,

v.

CHAMPION LABORATORIES, INC.,

Defendant.

Case No. 23-cv-00794

Judge Sara L. Ellis
Magistrate Judge Heather K. McShain

**DEFENDANT CHAMPION LABORATORIES'
REPLY CLAIM CONSTRUCTION BRIEF**

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	DISPUTED PHRASE: “ROTATING THE RING FILTER INSERT RELATIVE TO THE FILTER HOUSING”.....	1
III.	CONCLUSION.....	6
	CERTIFICATE OF SERVICE	8

TABLE OF AUTHORITIES

	<u>Page(s)</u>
<u>Cases</u>	
<i>Not Dead Yet Manufacturing, Inc. v. Pride Solutions, LLC</i> , 2015 WL 5829761 (N.D. Ill. Oct. 5, 2015).....	5, 6
<i>O2 Micro Intern. Ltd. v. Beyond Innovation Tech. Co.</i> , 521 F.3d 1351 (Fed. Cir. 2008).....	4
<i>Prima Tek II, L.L.C. v. Polypap, S.A.R.L.</i> , 318 F.3d 1143 (Fed. Cir. 2003)	4
<i>Source Vagabond Sys. Ltd. v. Hydrapak</i> , 753 F.3d 1291 (Fed. Cir. 2014)	2
<u>Other Authorities</u>	
‘203 patent.....	2, 4, 6
’276 patent.....	2

I. INTRODUCTION

Defendant Champion Laboratories’ (“Champion”) proposed construction is consistent with the plain and ordinary meaning of the disputed claim term, and in fact directly quotes from the asserted claim. In contrast, Hengst’s proposed construction is inconsistent with the intrinsic evidence and unnecessarily adds confusion to what should be a straightforward construction. Hengst also spends much of its opposition attacking a strawman by criticizing a construction that Champion has not proposed. Champion respectfully requests that the Court reject Hengst’s litigation-driven construction, and instead adopt Champion’s proposal.

II. DISPUTED PHRASE: “ROTATING THE RING FILTER INSERT RELATIVE TO THE FILTER HOUSING”

Term/Phrase	Hengst’s Construction	Champion’s Construction
“rotating the ring filter insert relative to the filter housing” (asserted claim 15)	Twisting or spinning at least a portion of the ring filter insert relative to the filter housing	Rotating the ring filter insert, which comprises the hollow-cylindrical filter material body surrounded on front sides by top and bottom front panels, relative to the filter housing

Hengst argues in its Response that “Champion requests the Court to improperly add language to claim 15” and further argues that “Claim 15 does not recite ‘rotating the entire ring filter insert.’” Dkt. 32 (Response) at 4. To be clear, Champion’s proposed construction does not add the word “entire” as Hengst suggests—rather, Champion proposes a construction which tracks, almost word-for-word, the language of Claim 15:

15. A ring filter insert for a liquid filter, comprising a hollow-cylindrical filter material body surrounded on front sides by top and bottom front panels and which can be replaceably arranged in a filter housing, an eccentric blocking element arranged on the bottom front panel for engaging an eccentric opening in the filter housing, first positioning means on the ring filter insert, which interact with second positioning means on the filter housing when the ring filter insert is inserted into the filter housing and which are arranged to bring the blocking element into engagement with the eccentric opening, the first positioning means being one of an inclined plane and a protruding nose, with the second positioning means being the other of the inclined plane and the protruding nose, the inclined plane and the nose arranged to be moved in relation to each other in such a way that they slide along each other and bring the blocking element into engagement with the eccentric opening, by rotating the ring filter insert relative to the filter housing, the first positioning means being one of embodied and arranged on an inner circumference of the ring filter insert.

Dkt. 32-1 ('203 Patent) at 17:36-40.

Hengst cites *Source Vagabond Sys. Ltd. v. Hydrapak, Inc.* for the proposition that adding language without support from the specification or prosecution history is improper. Dkt. 32 at 4, citing *Source Vagabond Sys. Ltd. v. Hydrapak*, 753 F.3d 1291 (Fed. Cir. 2014). But this is precisely what Hengst's proposed construction would do. Hengst proposes adding the words "twisting or spinning **at least a portion of**" the ring filter insert, a phrase which neither appears nor is described in the '203 patent. As Hengst's own cited case makes clear, this is not permitted in claim construction. In *Source Vagabond*, the Federal Circuit upheld the District Court's sanctions for the patentee Source's frivolous claim construction arguments. *Id.* at 1301. Source sought to add words to the claim language and "contend[ed] it based its construction on the specification and the 'context of claim 1 of the '276 patent as a whole.'" *Id.* at 1299. However, "[i]nstead of looking to the words themselves, Source added language without support from the specification or prosecution history, altering otherwise unambiguous claim language, a practice this court has

repeatedly rejected.” Asserting a similarly flawed argument, Hengst seeks to add the words “at least a portion of” that are not found in the claim itself or the specification, fails to cite any prosecution history, and contends its construction is somehow “[affirmed by] the surrounding claim language.” Dkt. 32 at 6. It is Hengst’s proposed construction that departs from the language of the claim and the intrinsic evidence by stating that “***at least a portion of***” the ring filter insert must rotate, a phrase which appears nowhere in Claim 15. Hengst’s reasoning in its Opposition Brief is self-contradictory and would create confusion in what is otherwise straightforward claim language.

Champion’s proposed construction, in contrast, clarifies the disputed term only by reciting plain language from Claim 15. Hengst’s assertion that Champion “fails to sufficiently describe the structure of the filter insert and ignores the essential feature of the filter insert that must be aligned” and “[ignores] the eccentric blocking element” mischaracterizes Champion’s construction. Dkt. 32 at 7-8. As explained in its opening brief, Champion’s proposed construction arises out of the plain language of Claim 15, where the ring filter insert *expressly comprises* the hollow-cylindrical filter material body, *eccentric blocking element*, and the first positioning means. Dkt. 30 at 6. Champion’s proposed construction never omits the eccentric blocking element—the eccentric blocking element still must be rotated. Champion’s construction only seeks to emphasize that all essential features of the filter insert including the “hollow-cylindrical filter material body surrounded on front sides by top and bottom front panels” must also be rotated.

Hengst incorrectly asserts that Champion’s construction “ignor[es] the eccentric blocking element” to argue that only a portion of the filter insert rotates, as opposed to all elements of the filter insert. Opp. at 11-12. This is incorrect. Claim 15 requires the that the eccentric blocking element be “arranged on the bottom front panel” and that it be brought “into engagement with the

eccentric opening.” Dkt. 30-2 at 17:40-41 and 46-48. Champion’s proposed construction does nothing to alter Claim 15’s requirement that the eccentric blocking element should be on the ring filter assembly.

Champion’s construction is necessary here precisely because Hengst seeks to ignore essential features of the filter insert through its proposed construction, including at least the hollow-cylindrical filter material body. Hengst’s attempt to twist the construction of the disputed phrase where the specification gives the words a clear meaning is contrary to the purpose of claim construction—that is, to “determine the meaning and scope of the patent claims.” *O2 Micro Intern. Ltd. v. Beyond Innovation Tech. Co.*, 521 F.3d 1351, 1360 (Fed. Cir. 2008). Champion seeks a clarification of the disputed phrase because of Hengst’s proposed construction. *See id.* at 1359-60 (objections to claim construction are waived if not submitted during *Markman* proceedings). The claim language plainly states the “ring filter insert” comprises a “hollow-cylindrical filter material body,” since one of the essential functions—if not the most essential function—of the ring filter insert is to filter liquid through its filter material body. Indeed, the specification expressly recites that “[b]y flowing through the filter material body 20, the liquid flows to the clean side **10.2** of the filter housing **10**” and the liquid can be filtered because “[d]irt particles are retained in the filter material body 20.” Dkt. 30-2 (’203 Patent) at 6:54-58 (emphasis added).

Hengst also argues that Champion “ignores the essential feature of the filter insert that must be aligned.” Dkt. 32 at 7. This is untrue—Champion’s proposed construction simply adds a definition of the “ring filter insert.” The definition of “ring filter insert” proposed in Champion’s construction **is drawn word-for-word from Claim 15**. There can be no risk of misconstruing Claim 15 where, as here, Champion’s proposal is drawn from the claim itself. There is a “heavy presumption in favor of the ordinary meaning of claim language” that Hengst has not overcome

here. See *Prima Tek II, L.L.C. v. Polypap, S.A.R.L.*, 318 F.3d 1143, 1148 (Fed. Cir. 2003). Contrary to Hengst’s assertion, the eccentric blocking element must still be rotated under Champion’s proposed construction. However, the disputed term does not concern the alignment of the eccentric blocking element—it only concerns “rotating the ring filter insert.” The alignment of the eccentric blocking element with other elements is sufficiently described in other portions of Claim 15 that parties do not dispute, and does not need to be appended to or explained in the disputed phrase.

Hengst also appears to argue that the eccentric blocking element is the only portion of the filter insert that must be rotated.¹ See Dkt. 32 at 7. To the extent that Hengst argues the disputed term only requires the eccentric blocking element to be rotated, the court should reject Hengst’s attempt to rewrite the disputed term from “rotating the ring filter insert relative to the filter housing” to “rotating the eccentric blocking element relative to the filter housing.”

Hengst cites *Not Dead Yet Manufacturing, Inc. v. Pride Solutions, LLC*, 2015 WL 5829761, at *15 (N.D. Ill. Oct. 5, 2015) in support of its request to add language stating that “at least a portion of” the ring filter insert must rotate. Dkt. 32 at 7. In *Not Dead Yet Manufacturing*, the parties disputed whether a claim phrase requiring that the “the plate member is above the pair of holes” should be construed to mean that “at least a portion of the plate member is positioned above the holes[.]” *Not Dead Yet*, 2015 WL 5829761, at *13. The Court determined that at least a portion of plate did have to be positioned above the holes, since the preferred embodiment in the patent “depict[ed] a plate member having a substantial portion above the holes” and “a minor portion

¹ Hengst states in its Response Brief that “[a] person of ordinary skill in the art would understand the Specification’s emphasis on the alignment of the eccentric blocking element and recognize that the eccentric blocking element is the essential portion of the filter insert that is to be rotated.” Dkt. 32 at 7.

below the holes.” *Id.* at 15. Put differently, the specification of the patent itself made clear that only a portion of the plate—not the entire plate—should be positioned above the holes in the preferred embodiment.² Here, in contrast, Hengst points to no part of the claim or specification showing that in a preferred embodiment (or any embodiment) only a portion of the ring filter insert rotates.

Champion’s proposed construction is consistent with the intrinsic evidence of the ‘203 patent, as well as the plain and ordinary meaning of Claim 15. It should be adopted over Hengst’s alternate construction.

III. CONCLUSION

For the reasons set forth above, the Court should adopt Champion’s proposed construction for the disputed claim term.

² The Court also rejected the requested construction that “at least a portion of the plate” be positioned above the holes, and instead adopted the construction that “a substantial portion of the plate” be higher than the holes. *Not Dead Yet*, 2015 WL 5829761, at *15. Thus, even in *Not Dead Yet*, the Court did not adopt the construction requested here—e.g., that “at least a portion of” the part rotates.

Date: June 18, 2024

Respectfully submitted,

By: /s/ Dave Nelson

Dave A. Nelson
Athena Dalton
Quinn Emanuel Urquhart & Sullivan, LLP
191 N. Wacker Drive, Suite 2700
Chicago, Illinois 60606
Tel: (312) 705-7400

James Glass (admitted *pro hac vice*)
Matthew D. Robson (admitted *pro hac vice*)
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
Tel.: (212) 849-7000

*Counsel for Defendant
Champion Laboratories, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of June, 2023, I electronically served the foregoing document on all counsel of record via CM/ECF.

By: /s/ Athena Dalton

Athena Dalton