

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ARMATURENFABRIK FRANZ
SCHNEIDER GMBH + CO. KG,

Plaintiff,

v.

RJ MACHINE COMPANY, INC.,

Defendant.

Case No. 6:23-cv-00680-AM-DTG

**DEFENDANT RJ MACHINE COMPANY, INC.’S DISCLOSURE OF
EXTRINSIC EVIDENCE**

Pursuant to the Court’s Standing Order Governing Proceedings (OGP) 4.4—Patent Cases, dated January 23, 2024, and the Scheduling Order (Dkt. 14), Defendant RJ Machine Company, Inc. (“RJ Machine”) hereby discloses to Plaintiff Armaturenfabrik Franz Schneider GMBH + Co. KG (“AS-Schneider”) the extrinsic evidence, including the identity of its expert witness, that RJ Machine may rely upon with respect to claim construction or indefiniteness of U.S. Patent No. 9,851,030 (“the ’030 Patent”).

A. Disclosure of Extrinsic Evidence

Concurrently with this disclosure, RJ Machine is producing extrinsic evidence that it may rely upon with respect to claim construction or indefiniteness. That evidence bears bates numbers RJMachine_001545–RJMachine_001582.

B. Disclosure of Expert Testimony

RJ Machine identifies Dr. John Rodgers as its expert that it may rely upon with respect to claim construction or indefiniteness. Concurrently with this disclosure, RJ Machine is producing a copy of Dr. Rodgers’ CV bearing bates number RJMachine_001536–RJMachine_001544. In

Exhibit A (attached hereto), RJ Machine identifies the scope of the topics for Dr. Rodgers' expected testimony. Further, Dr. Rodgers will opine on the understanding of a person of ordinary skill in the art at the time of the alleged invention, including the general background technology, technical concepts, and context of the '030 Patent.

C. Reservation of Rights

RJ Machine's disclosure of extrinsic evidence, including its identification of the scope of topics for Dr. Rodgers' expected testimony, is preliminary, as it is based on its current knowledge, its current understanding of AS-Schneider's infringement contentions and implied claim constructions, and its investigation to date. RJ Machine's investigation and discovery are ongoing. RJ Machine reserves the right to modify, amend, or supplement this disclosure based on, without limitation, claim terms/phrases identified by, constructions proposed by, and extrinsic evidence, including expert testimony, disclosed by AS-Schneider, information learned during the meet and confer process with AS-Schneider, information learned during this case, and any changes to AS-Schneider's infringement contentions. RJ Machine further reserves the right to offer rebuttal extrinsic evidence and expert opinions in response to the positions AS-Schneider and/or its expert takes in this litigation. *See* Dkt. 14 at 3 n.2.

Nothing in this disclosure, including Exhibit A, shall be construed to limit RJ Machine's right to argue the claims of the '030 Patent are invalid. Further, the fact that RJ Machine may have provided preliminary constructions of claim terms/phrases in Exhibit A does not mean that RJ Machine agrees those claim terms/phrases are amenable to construction or valid under 35 U.S.C. §112.

Dated: May 22, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record were electronically served with a copy of the foregoing on May 22, 2024, via electronic mail.

/s/ M'Liss Hindman

M'Liss Hindman

Exhibit A

Term No.	Term	Proposed Construction	Extrinsic Evidence
1	“the connecting unit is designed as a nut unit with a female thread and an inwardly pointing inner flange which is arranged in the lower edge region,” (claim 1)	Indefinite	Dr. Rodgers will opine that this term, when read in light of the specification and prosecution history, fails to inform a POSITA about the scope of the invention with reasonable certainty. Dr. Rodgers will opine that: - the term “arranged” does not have a clear meaning in the claim or specification - the term “the lower edge region” has apparent antecedent basis to “a lower edge region of the second connecting device.” - the specification describes the inner flange as a feature of the connecting unit, not the second connecting device - the specification does not describe the connecting unit as having an inner flange arranged in the lower edge region of the second connecting device, and that structure is ambiguous and unclear - the connecting unit and the second connecting device are separate components, such that describing the inner flange of the connecting unit as being “arranged” in the lower region of the

			second connecting device is confusing, ambiguous, and/or unsupported a POSITA would not know what it means for a component of the connecting unit to be “arranged” in the lower region of the second connecting device, when they are separate components that are threaded together during assembly of the apparatus
2	“the outwardly pointing outer flange of the first connecting device fits behind the inner flange of the nut unit” (claim 1)	Indefinite	Dr. Rodgers will opine that this term, when read in light of the specification and prosecution history, fails to inform a POSITA about the scope of the invention with reasonable certainty. Dr. Rodgers will opine that: - the term “behind” does not have a clear meaning in the claims or specification - a POSITA would not know from which perspective of the device to interpret the term “behind” - a POSITA would be confused as to whether the term “behind” is relative to a direction of motion of the connecting unit during assembly, or the view of the outer flange when looking at the nut, neither of which makes sense in light of the specification

			Dr. Rodgers will opine that the following extrinsic evidence shows this term is indefinite: Merriam-Webster Online, definition of “behind”
3	“...by means of the inner flange and the outer flange the end-face sealing surfaces are clamped together with sealing effect,” (claim 1)	Subject to 35 U.S.C. §112(f) (means-plus function) <u>Function</u>: the first connecting device and the second connecting device are sealed together <u>Structure</u>: an outer flange and an inner flange clamped together by female threads of a nut engaging male threads of the second connecting device such that end-face sealing surface 43 clamps to end-face sealing surface 33 to create a seal, as shown in Fig 1	Dr. Rodgers will opine this claim element recites “means of” and a specific function, but does not recite a structure for performing that function. The language of this claim limitation is in the form of means-plus-function. Dr. Rodgers will opine on the specific function recited in this term and the set of structures described in the patent specification that can achieve that function as disclosed herein.
4	“a longitudinal axis of which extends obliquely to a longitudinal axis of the apparatus,” (claim 1)	Indefinite	Dr. Rodgers will opine that this term, when read in light of the specification and prosecution history, fails to inform a POSITA about the scope of the invention with reasonable certainty. Dr. Rodgers will opine that:

			the term “oblique” does not have a clear meaning in the claim or specification • it is well-known to a POSITA and common knowledge that an oblique angle extends at either an acute or obtuse angle, not at right angle and not perpendicularly • the patent specification discloses a counter-intuitive/confusing meaning of “oblique” Dr. Rodgers will opine that the following extrinsic evidence shows this term is indefinite: • Merriam-Webster Online, definition of “oblique” • Math Dictionary Online, “what is an oblique angle”
5	“the outer flange and the inner flange are provided in an encompassing manner on the first connecting device or on the nut unit,” (claim 1)	Indefinite	Dr. Rodgers will opine that this term, when read in light of the specification and prosecution history, fails to inform a POSITA about the scope of the invention with reasonable certainty. Dr. Rodgers will opine that: • the term “encompassing manner” has no clear meaning, description, or definition in the specification

			- the term “encompassing manner” is not a known term of art to a POSITA - the term “encompassing manner” is ambiguous and unclear as used in the claims, because the outer flange is a feature of the first connecting device - a POSITA would not know what it means for the outer flange of the first connecting device and the inner flange of the nut unit to be “provided in an encompassing manner” on the first connecting device - the term “encompassing manner” is ambiguous and unclear as used in the claims, because the inner flange is a feature of the nut unit - a POSITA would not know what it means for the outer flange of the first connecting device and the inner flange of the nut unit to be <i>alternatively</i> “provided in an encompassing manner” on the nut unit Dr. Rodgers will opine that the following extrinsic evidence shows this term is indefinite: - Merriam-Webster Online, definition of “encompassing”
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6	“sealing means are arranged between the end-face sealing surface of the first connecting device and the end-face sealing surface of the second connecting device” (claim 1)	Subject to 35 U.S.C. §112(f) (means-plus function) <u>Function</u>: a seal is created between the end-face sealing surface of the first connecting device and the end-face sealing surface of the second connecting device <u>Structure</u>: O-rings consisting of sealing plastic such as PTFE, elastomer or graphite that are arranged inside a groove; an end-face coating made of sealing material; or a face-turned surface on the first connecting device and a projecting nose unit on the second connecting device	Dr. Rodgers will opine this claim element recites “means of” and a specific function, but does not recite a structure for performing that function. The language of this claim limitation is in the form of means-plus-function. Dr. Rodgers will opine on the specific function recited in this term and the set of structures described in the patent specification that can achieve that function as disclosed herein.
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