

**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
OPENING CLAIM CONSTRUCTION BRIEF**

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I. INTRODUCTION

Defendant RJ Machine, Inc. (“RJ Machine”) proposes the Court construe six claim terms in claim 1 of U.S. Patent No. 9,851,030 (“the ’030 Patent”). Four of these terms should be found indefinite under 35 U.S.C. §112(b), because they use words like “arranged,” “behind,” “encompassing”, and “extends obliquely”. These words are undefined in the patent, ambiguous in scope, and are meaningless to a person of skill in the art. The remaining two terms include the word “means,” and are thus presumptively means-plus function claim terms under 35 U.S.C. §112(f). These “means” terms must therefore be limited in scope to the function and structure disclosed in the ’030 Patent related to the claim terms. Plaintiff Armaturenfabrik Franz Schneider GMBH + Co. KG’s (“AS-Schneider”) proposal that all of these terms be given their plain meaning is wrong, because it does not resolve the §112 issues with all of these terms. RJ Machine respectfully requests the Court adopt its proposals that four terms are indefinite under §112(b) and two terms are means-plus-function terms under §112 (f).

II. THE PATENT IN SUIT

The ’030 Patent teaches a connecting apparatus that serves as a connection point between a pipeline and a measuring instrument so an operator can monitor gas flow through the pipeline. *See generally* Ex. A; Ex. B, ¶51¹. As seen in Fig. 3 below, the connecting apparatus 10 has the following three main components: (i) first/lower connecting device 30 (**green**), (ii) second/upper connecting device 40 (**lime green**), and (iii) connecting unit 50/nut unit 51 (**blue**) (hereafter “nut”).²

¹ Exhibit B is the Declaration of Dr. John P. Rodgers in Support of RJ Machine Company, Inc.’s Opening Claim Construction Brief.

² In the ’030 Patent specification and claims, connecting unit 50 is defined as a nut unit 51. *See e.g.*, Ex. A at 6:55-58 (“connecting unit is designed as a nut unit”); *see also id.* at 7:21, 7:41.

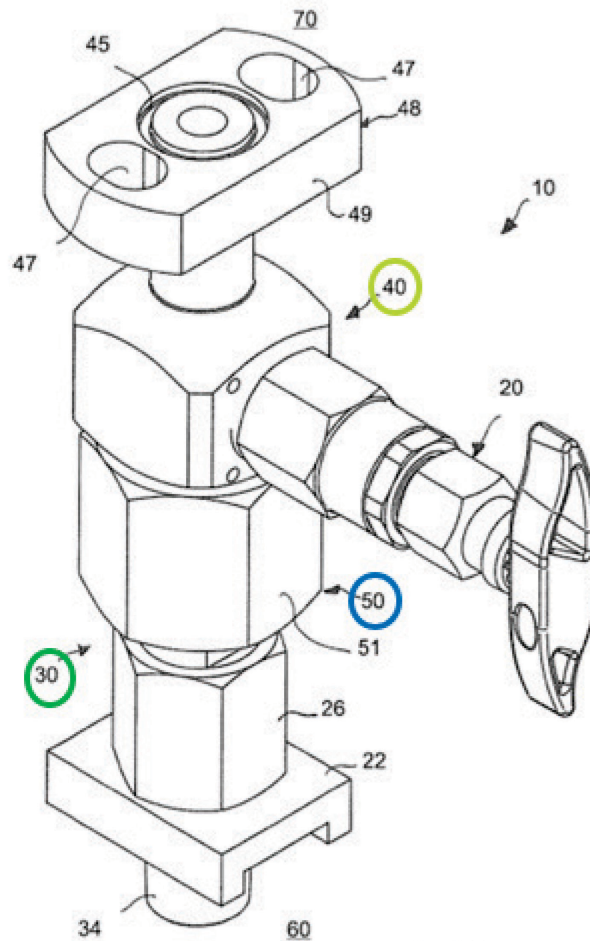


Fig. 3

Ex. A at Fig. 3 (color annotations added), 5:61-6:5, Ex. B, ¶52. During assembly of connecting apparatus 10, first connecting device 30 (**green**) and second connecting device 40 (**lime green**) are coupled together by rotation of nut 50 (**blue**). Ex. A at 4:51-55, 6:61-7:3; Ex. B, ¶53.

Figure 6 below shows connecting apparatus 10 installed between pipeline 16 and measuring instrument 14. Ex. A at Fig. 6, 5:12-46; Ex. B ¶54. Referring to both Figure 3 above and Figure 6 below, prior to installation lower connecting device 30 (**green**) is loosely connected to upper connecting device 40 (**lime green**) via nut 50 (**blue**). Ex. A at Figs. 3 & 6, 7:4-36; Ex. B, ¶54. This loose connection provides give between the upper and lower ends, making connecting

apparatus 10 easier to install. Ex. A at Figs. 3 & 6, 7:4-36; *see also id.* at 7:50-57; Ex. B, ¶54. First/lower connecting device 30 (**green**) is connected to metering orifice³ 18 on pipeline 16 while second/upper connecting device 40 is connected to pressure measuring instrument 14 through valve block 12. Ex. A at 5:12-46, 6:5-8; Ex. B, ¶54.

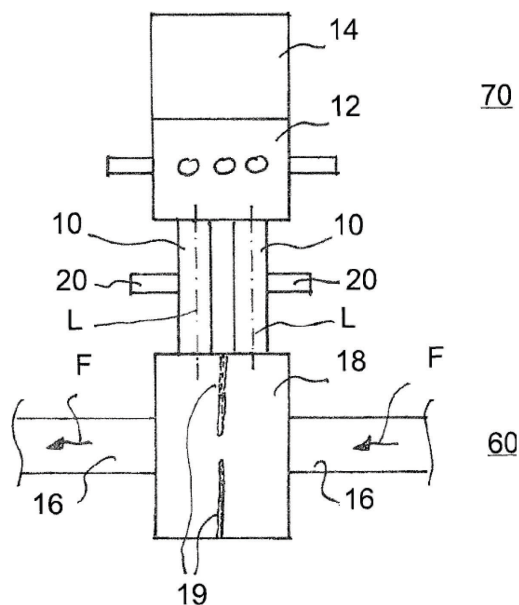


Fig. 6

Ex. A at Fig. 6; Ex. B, ¶¶54-55. Once the upper and lower ends of connecting apparatus 10 are connected to measuring instrument 14 and pipeline 16, nut 50 (**blue**) is rotated to clamp and seal the upper and lower ends together. Ex. A at 6:61-7:3, 7:37-45; Ex. B Ex. B, ¶55. Once installed, an operator can measure gas flow through pipeline 16. Ex. A at 5:31-41; Ex. B, ¶55.

Figure 1 of the '030 Patent (shown below annotated with color) shows a cross-section of connecting apparatus 10 with first connecting device 30 (**green**) and second connecting device 40 (**lime green**) clamped together via nut 50 (**blue**). Ex. A at Fig. 1, 4:51-55; Ex. B, ¶56.

³ A “metering orifice” is used to measure flow rate through a pipeline. Ex. B, ¶54.

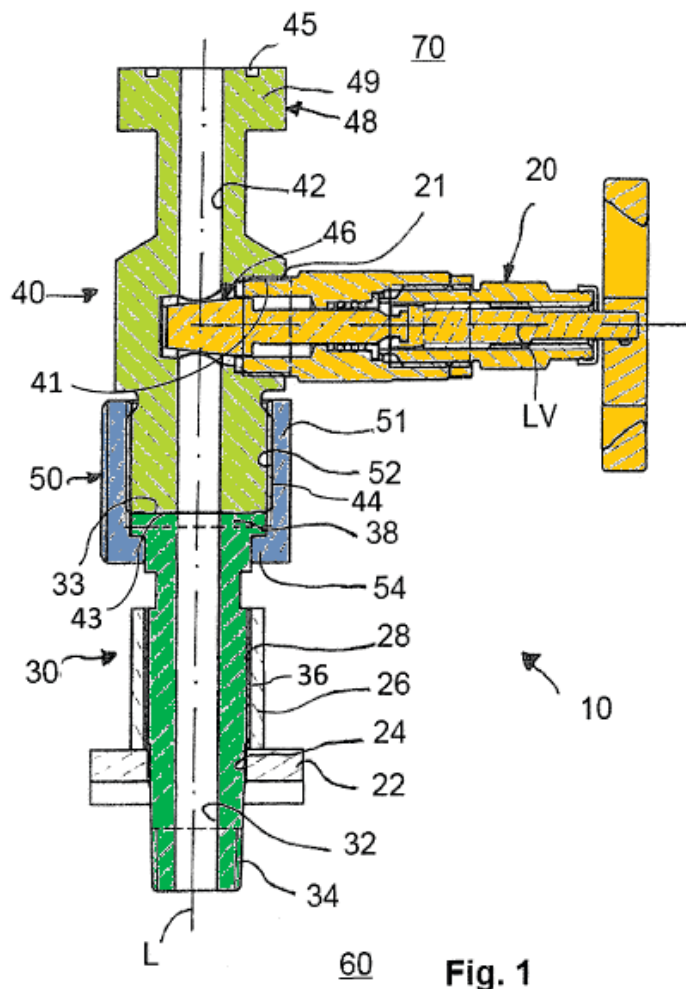


Fig. 1

Ex. A at Fig. 1 (annotated with color); Ex. B, ¶54.

First connecting device 30 (**green**) has opening 32 in longitudinal direction L and outer flange 38 at its upper end. Ex. A at 6:9-26, Ex. B, ¶57. Base plate 22 and clamping nut 26 are located at the lower end of first connecting device 30 and are used to clamp the lower end of connecting apparatus 10 to metering orifice 18 on pipeline 16 (Fig. 6 above). Ex. A at 6:19-24, 7:25-31; Ex. B, ¶57. Second connecting device 40 (**lime green**) also includes opening 42 along axis L. Ex. A at 6:27-28; Ex. B, ¶57. Second connecting device 40 has male/outer thread 44 and has upper connecting unit 48 for connecting the upper end of connecting apparatus 10 to measuring instrument 14. Ex. A at 6:27-29, 6:51-52; Ex. B, ¶57. Shutoff valve 20 (**orange**) extends laterally

from second connecting device 40. Ex. A at 6:30-40; Ex. B, ¶58. An operator can turn shutoff valve 20 to stop gas flow between pipeline 16 and measuring instrument 14. Ex. A at 5:47-57; Ex. B, ¶58.

First and second connecting devices 30 and 40 are interconnected by nut 50 (blue) with “sealing effect.” Ex. A at 5:64-6:5; Ex. B, ¶59. As shown in Figure 1 above, nut 50 has female threads 52 and inner flange 54. Ex. A at 6:55-58; Ex. B, ¶59. Female threads 52 of nut 50 engage with male threads 44 of second connecting device 40, and inner flange 54 of nut 50 engages with outer flange 38 of first connecting device 30. Ex. A at 7:10-21, 7:37-45; Ex. B, ¶59. When nut 50 is rotated, first connecting device 30 and second connecting device 40 are compressed together. Ex. A at 6:61-7:3, 7:37-45; Ex. B, ¶59. This creates a seal between the ends of first and second connecting devices 30 and 40. Ex. A at 6:61-7:3, 7:37-45; Ex. B, ¶59.

III. PERSON OF SKILL IN THE ART (“POSITA”)

As explained in the expert declaration of Dr. John P. Rodgers (attached hereto as Exhibit B), the field of art of the ’030 Patent is pipe fitting connections. Ex. B, ¶24. In this field, a POSITA would have had at least a trade school certificate in pipe fitting or equivalent training and experience, or a certificate in plumbing. *Id.* at ¶25. Alternatively, a POSITA could have a mechanical or petroleum engineering degree. *Id.*

IV. DISPUTED CLAIM TERMS

A. “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)

RJ Machine’s Construction	AS-Schneider’s Construction
Indefinite	Plain and ordinary meaning

RJ Machine respectfully requests the Court find this limitation indefinite under 35 U.S.C. §112(b).

A claim is invalid for indefiniteness when the claim, “read in light of the specification delineating the patent, and the prosecution history, fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention.” *Nautilus Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898, 899 (2014). “[A] patent must be precise enough to afford clear notice of what is claimed, thereby appris[ing] the public of what is still open to them, in a manner that avoids [a] zone of uncertainty which enterprise and experimentation may enter only at the risk of infringement claims.” *Id.*

Claim 1 of the ’030 Patent recites:

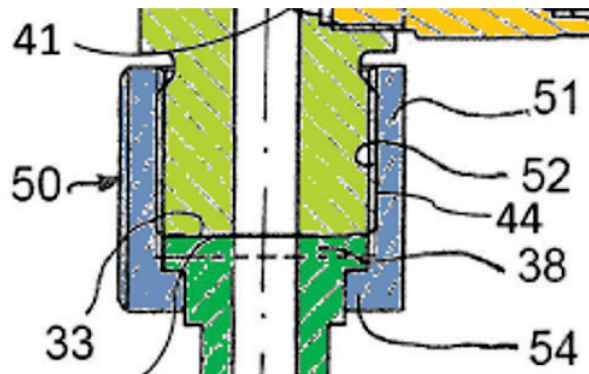
a lower edge region of the second connecting device has a male thread and an end-face sealing surface,

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***

Ex. A at 8:66-9:3 (emphasis added); Ex. B, ¶61.

Based on the claim language and antecedent basis principles, the term “the lower edge region” must refer to the fuller term previously recited in the claim, i.e., “a lower edge region ***of the second connecting device.***” Ex. B, ¶62; see *Sensor Elec. Tech., Inc. v. Bolb, Inc.*, No. 18-CV-05194-LHK, 2019 WL 4645338, at *31 (N.D. Cal. Sept. 24, 2019) (citing *Microprocessor Enhancement Corp. v. Texas Instruments Inc.*, 520 F.3d 1367, 1375 (Fed. Cir. 2008)) (“For a claim term to have antecedent basis support, an indefinite article (for instance, ‘a’ or ‘an’) must precede a claim term the first time the claim term is used in the claims. Subsequent references in the claims to the claim term must be preceded by a definite article (for instance, ‘the’ or ‘said’).”). Thus, the full claim term in dispute is “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 [of the second connecting device].”

The claimed connecting unit and inner flange are clearly disclosed in the '030 Patent. The “connecting unit” is shown in the annotated figure below as element 50 (blue). Ex. A at Fig. 1, 5:64-6:5, 6:55-58; Ex. B, ¶63. The connecting unit 50 is defined as a “nut unit 51.” Ex. A at 6:55-58, 7:21, 7:41; Ex. B, ¶63. The connecting unit 50 has an inwardly pointing inner flange 54. Ex. A at Fig. 1, 5:64-6:5, 6:55-58; Ex. B, ¶63. The claimed “lower edge region of the second connecting device”, however, is not defined. Ex. B, ¶63. A portion of the second connecting device is highlighted in lime green. Ex. A at 5:64-6:5, Ex. B, ¶63. The patent specification describes the second connecting device as having a lower edge region but does not explain where that region begins and ends. See Ex. A 3:19-34, 4:6-10, 6:27-29, 6:55-58, Ex. B, ¶63. Thus, this disputed claim term is indefinite for at least two reasons.



First, the claim does not explain what it means for parts of the connecting unit (blue) to be “arranged” in the lower edge region of the second connecting device (lime green). Ex. B, ¶65. The patent’s specification does not explain it either. *Id.*, ¶66. The specification merely parrots the claim language: “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 facing the pipeline.” Ex. A at 3:25-28, Ex. B, ¶66.

The extrinsic evidence also does not provide any clarity. The term “arranged” is not a mechanical term. Ex. B, ¶67. It has no special meaning in the petroleum or mechanical engineering field. *Id.* The term “arranged” is not a typical or clear way to describe the relationship between mechanical components. *Id.* Without explanation, a POSITA would not know what it means for

components in a tool to be “arranged” with respect to each other. *Id.* The term “arranged” is particularly confusing when referring to the “lower edge region of the second connecting device”, because that region is not defined in the patent and thus does not have a discernable area from which a POSITA could determine how and where the components are “arranged”. *Id.*

Second, the ambiguity is compounded because it is unclear what term “arranged” modifies. *Id.*, ¶68. The claim recites “...an inwardly pointing inner flange which is arranged in the lower edge region.” Ex. A at 9:2-3. The most natural reading is the term “arranged” modifies the term “inner flange,” such that the limitation requires the “inner flange” of the connecting unit 50 be “arranged in the lower edge region [of the second connecting device].” Ex. B, ¶68. Assuming this interpretation is correct, the claim makes even less sense. *Id.* As shown in the above close-up of the connecting unit 50, inner flange 54 and the lower end of the second connecting device 40 (lime green) are not in contact. Ex. A at Fig. 1; Ex. B, ¶68. They are separated by the upper end of first connecting device 30 (green). Ex. A at Fig. 1; Ex. B, ¶68. A POSITA would not understand what it means for the inner flange of the connecting unit to be “arranged in” the lower edge region when the inner flange and the second connecting device are separate components that do not make contact, and the patent does not explain any relationship between those two components. Ex. B, ¶68.

For the above reasons, the limitation “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,” fails to inform a POSITA about the scope of the claimed invention. *See id.*, ¶69. Because a member of the public cannot know when it is or is not infringing these claims, the Court should find this limitation indefinite under 35 U.S.C. §112. *See Nautilus*, 572 U.S. at 909-10; *Application of Hammack*, 427 F.2d 1378, 1382 (C.C.P.A 1970).

B. “the outwardly pointing outer flange of the first connecting device fits behind the inner flange of the nut unit” (claim 1)

RJ Machine’s Construction	AS-Schneider’s Construction
Indefinite	Plain and ordinary meaning

RJ Machine respectfully requests the Court find this limitation indefinite under 35 U.S.C. §112(b) because the term “behind” does not have a clear meaning in the claims or specification. *See* Ex. B, ¶¶70-71.

Claim 1 recites the outer flange of the first connecting device “fits behind” the inner flange of the nut unit. Ex. A at 9:4-5. The claim does not include any other language explaining the mechanical relationship between the outer flange and the inner flange. *Id.* at claim 1; Ex. B, ¶72. The specification also does not provide any clarity about the meaning of “behind.” Ex. B, ¶¶71, 73. It references the term just once using substantially the same ambiguous language as the claim: “wherein the outer flange of the first connecting unit fits behind the inner flange of the nut unit and the female thread of the nut unit is screwed onto the male thread of the second connecting device....” *Compare* Ex. A at 9:4-5, *with id.* at 3:28-31; Ex. B, ¶73.

Turning to the extrinsic evidence, the term “behind” has no special meaning in the field of mechanical or petroleum engineering. Ex. B, ¶74. Merriam Webster defines “behind” as “in, to or toward the back” or “in a secondary or inferior position” Ex. C at 1; Ex. B, ¶75. This is not a typical or clear way to describe the relationship between mechanical components. Ex. B, ¶75. Behind is a word that describes a directional relationship between objects. *Id.* Directional relationships depend on the perspective of the viewer and their subjective interpretation of what they are viewing. *Id.* Thus, without explanation, a POSITA would not know what it means for one component in a tool to be “behind” another. *Id.*

For example, referring to annotated Figure 1 of the '030 Patent below, if one is looking at the connecting apparatus 10 from the side (e.g., looking directly at the figure), one might conclude the outer flange 38 is not behind the inner flange 54; rather, the outer flange 38 sits on top of the inner flange 54. *Id.*, ¶76. If one rotated the figure to view the tool looking downwards from the top, one might conclude the outer flange 38 is not behind the inner flange 54; rather, inner flange 54 is behind the outer flange 38. *Id.* If one rotated the figure to view the tool from the bottom, in this orientation one might conclude the outer flange 38 would be behind the inner flange 54. *Id.* However, this latter interpretation would contradict the directional relationship between the components when viewed from any other orientation. *Id.* Moreover, a given viewer might not conclude outer flange 38 is behind inner flange 54 when viewed from any orientation, because the term “behind” is an inherently ambiguous term. *Id.*, ¶78. More importantly, a POSITA would never describe a tool based on a directional relationship between components, because that description depends on the viewing direction, is confusing, and does not clearly describe the relationship between components in a tool. *Id.*, ¶79.

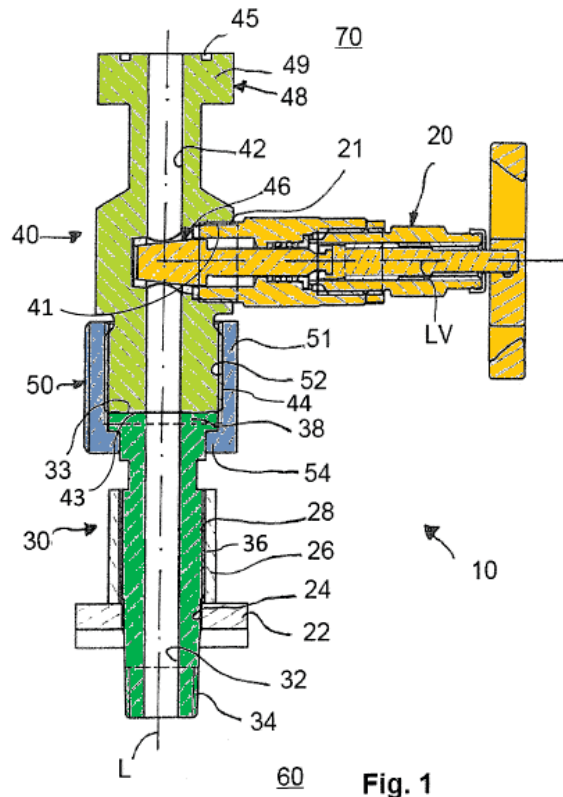


Fig. 1

For the above reasons, the limitation “the outwardly pointing outer flange of the first connecting device fits behind the inner flange of the nut unit” is ambiguous, has no discernable boundary, and fails to inform a POSITA about the scope of the claimed invention. *See Nautilus*, 572 U.S. at 901 (holding a claim is invalid for indefiniteness when the claim, “read in light of the

specification delineating the patent, and the prosecution history, fails to inform, with reasonable certainty, those skilled in the art about the scope of the invention”); *see also* Ex. B, ¶80. Thus, the Court should construe this claim term as indefinite.

C. “...by means of the inner flange and the outer flange the end-face sealing surfaces are clamped together with sealing effect,” (claim 1)

RJ Machine’s Construction	AS-Schneider’s Construction
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.	Plain and ordinary meaning

RJ Machine respectfully requests the Court find this limitation subject to 35 U.S.C. §112(f) and adopt RJ Machine’s proposed construction for the function and structure of this limitation.

This limitation recites “by *means* of the inner flange and the outer flange the end-face sealing surfaces are clamped together with sealing effect.” Ex. A at 9:7-10 (emphasis added). Because this limitation uses the word “means,” the term is presumed subject to §112(f) and the burden shifts to AS-Schneider to rebut that presumption. *See Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1348 n.2 (Fed. Cir. 2015) (en banc); *see also Flexiteek Ams., Inc. v. PlasTEAK, Inc.*, No. 12–60215–CIV., 2013 WL 3762290, at *3 n.3 (S.D. Fla. July 16, 2013), *aff’d*, 603 F. App’x 994 (Fed. Cir. 2015). Further, the claim limitation does not recite definite structure in support of its function. While it recites an outer flange and an inner flange, it does not describe the structure by which those flanges are clamped to have sealing effect. Ex. A at claim 1; Ex. B, ¶81. For this additional reason, RJ Machine contends this term is governed by §112(f).

If the Court agrees this is a means-plus-function limitation, then the construction of the term is a two-step process. *See Williamson*, 792 F.3d at 1351. First, the Court must identify the claimed function. *Id.* The claim recites “the end-face sealing surfaces are clamped together with sealing effect.” Ex. A at 9:9-10. This function is described in the specification. For example, referring to Figure 1 to the right (color annotations added), the specification states first connecting device 30 (**green**) and second connecting device 40 (**lime green**) are “interconnected with

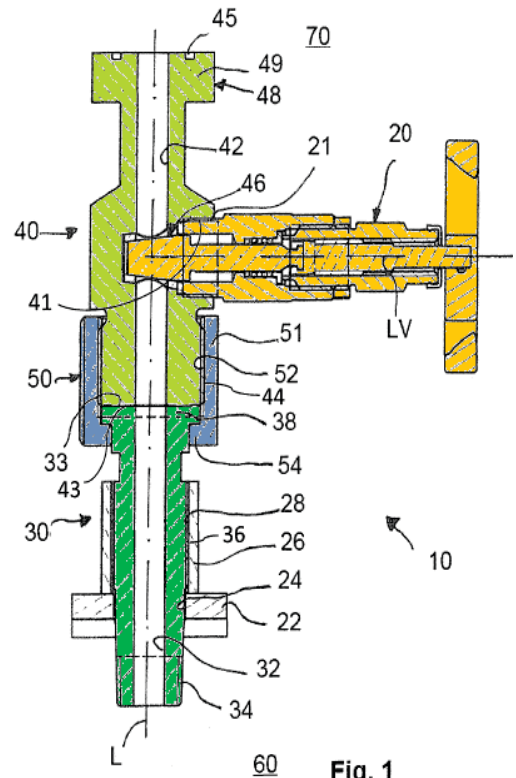


Fig. 1

sealing effect by, for example, the connecting unit 50 [(**blue**)] clamping an end-face sealing surface 43 of the second connecting device 40 to an end-face sealing surface 33 of the first connecting device 30 with sealing effect.” Ex. A at 5:64-6:5 (emphasis added); Ex. B, ¶83. The specification also states that “by means of the inner flange and the outer flange the **end-face sealing surfaces are clamped to each other with sealing effect.**” Ex. A at 3:19-34 (emphasis added); Ex. B, ¶83.

RJ Machine proposes the Court construe the function of this claim as “sealing the first connecting device and the second connecting device together.” Ex. B, ¶82. This construction will be simple for the jury to understand, is supported by the above descriptions in the specification, and explains the outcome of the claimed structures, described next. *Id.*, ¶¶82-84.

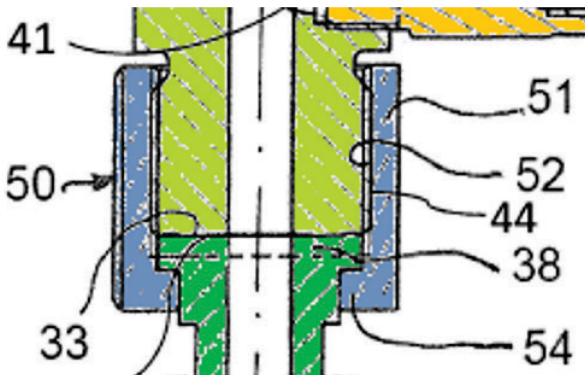
Second, “the court must determine what structure, if any, disclosed in the specification corresponds to the claimed function.” *Williamson*, 792 F.3d. at 1351. Referring to the below figure, the specification describes the following structures involved in sealing the first and second

connecting devices together:

The connecting unit 50 is designed as a nut unit 51 with a female thread 52 and an inwardly pointing inner flange 54 provided in the lower edge region. ... the connection between first connecting device 30 and second connecting device can be created via the connecting unit 50...by the clamping action with sealing effect being carried out solely by operation, that is to say by rotation, of the connecting unit 50. In this case, the two sealing surfaces 33,43 are clamped together with sealing effect.

Ex. A at 6:55-7:3; Ex. B, ¶85.

In light of these teachings, RJ Machine proposes the Court construe the claimed structure as “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.” This proposed construction encompasses all of the structures described in the specification that relate to the function of sealing together the first and second connecting devices. Ex. B, ¶86. Accordingly, RJ Machine respectfully requests the Court adopt its proposed construction for the function and structure related to this means-plus-function limitation.

D. “a longitudinal axis of which extends obliquely to a longitudinal axis of the apparatus,” (claim 1)

RJ Machine’s Construction	AS-Schneider’s Construction
Indefinite	Plain and ordinary meaning

RJ Machine respectfully requests the Court find this term indefinite under 35 U.S.C. §112(b) because the term “extends obliquely” does not have a clear meaning in the claim and the specification. *See* Ex. B, ¶¶88-89.

The claims of the '030 Patent do not define the scope of the term “extends obliquely”. *Id.*, ¶¶90. Claim 1 recites “a shutoff valve is connected to the second connecting device, a longitudinal axis of which *extends obliquely* to a longitudinal axis of the apparatus.” Ex. A at 9:11-13. Claim 1 does not include any other limitations relating to the scope of “extends obliquely”. Ex. B, ¶90. Dependent claim 7 states the axis is “at an angle of 90 degrees.” Ex. A at 10:21-23. Based on claim differentiation, “extends obliquely” appears at least to include a 90-degree angle, but presumably covers some unidentifiable range of angles. Ex. B, ¶91.

The specification also does not provide any clarity. *Id.*, ¶¶89, 92. Referring to Figure 1 (reproduced to the right with color annotations added), connecting apparatus 10 includes shutoff valve 20 (orange), “the longitudinal axis of which extends obliquely to the longitudinal axis of the apparatus **especially at an angle of 90°**, is connected to the second connecting device.” Ex. A at 3:47-51 (emphasis added); *see also id.* at 10:21-23; Ex. B, ¶92. In Figure 1, the axis of shutoff valve 20 (identified as LV) is clearly shown at a 90-degree

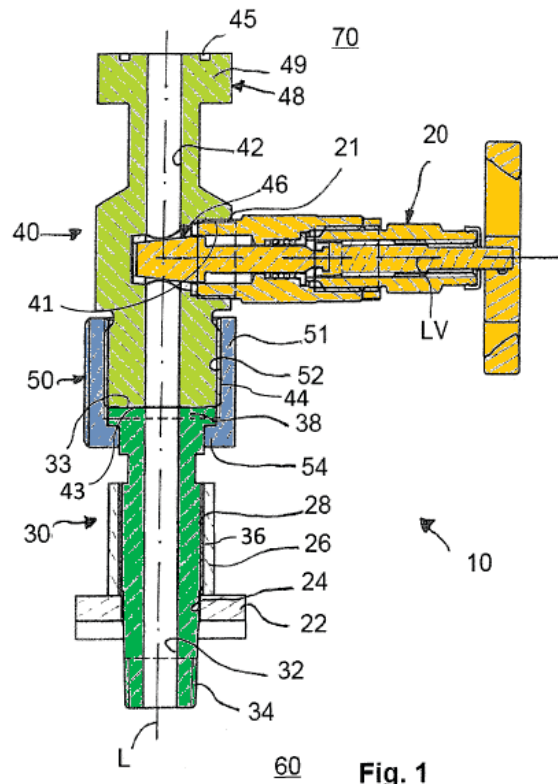


Fig. 1

angle from longitudinal axis L of second connecting device 40 (green). Ex. B, ¶92. The specification does not disclose any other angles that might be covered by the term “extends obliquely.” *Id.*, ¶92.

The extrinsic evidence does not provide any clarity either; rather, it makes things even muddier. It is well-known to a POSITA that an “oblique angle” extends in either an acute or obtuse

manner, but **not** at right angle (90°). *Id.*, ¶93 (emphasis added). Merriam Webster defines the term “oblique” as “neither perpendicular nor parallel”, “having the axis not perpendicular to the base” and “having no right angle”. Ex. D at 1; Ex. B, ¶94. Additionally, the website Math-Dictionary.com defines an “oblique angle” as “an angle that is not a right angle. In other words, an oblique angle is either acute or obtuse.” Ex. E at 1; Ex. B, ¶95. The well-understood meaning of “oblique” contradicts the patentee’s description of an oblique angle being “especially at an angle of 90 degrees.” Ex. B, ¶96.

The patentee also has not acted as their own lexicographer for the meaning of “oblique angle”, because the patentee has not clearly stated that it is not using “oblique angle” in its ordinary way. *See id.*; *see also ProMOS Techs., Inc. v. Samsung Elecs. Co.*, 809 F. App’x 825, 826 (Fed. Cir. 2020) (“[u]nless the patentee has chosen to be his own lexicographer in the specification or has clearly disclaimed coverage during prosecution, a court must interpret claims according to their plain language.”) (citations omitted). AS-Schneider appears to agree there is no lexicography because it contends the term should be given a plain and ordinary meaning construction. However, a plain meaning interpretation of the term, which does not include a 90 degree angle, contradicts the disclosure in the patent.

A POSITA could not know the scope of “extends obliquely” when the patent not only describes it in a way that contradicts its well understood meaning, but when the patent also fails to describe its scope, including a range of angles. Ex. B, ¶97; *See Interval Licensing LLC v. AOL, Inc.*, 766 F.3d 1364, 1371 (Fed. Cir. 2014) (stating that “there is an indefiniteness problem if the claim language might mean several different things and no informed and confident choice is available among the contending definitions”) (citations and internal quotation marks omitted).

For the above reasons, the limitation “a longitudinal axis of which extends obliquely to a

longitudinal axis of the apparatus” fails to inform a POSITA about the scope of the claimed invention and the term is thus indefinite. *See Nautilus*, 572 U.S. at 901; *see also* Ex. B, ¶98.

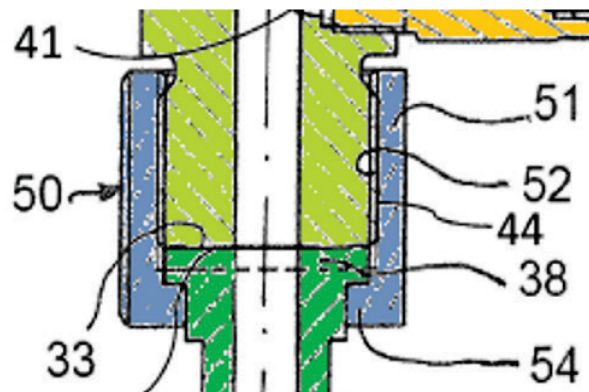
E. “the outer flange and the inner flange are provided in an encompassing manner on the first connecting device or on the nut unit,” (claim 1)

RJ Machine’s Construction	AS-Schneider’s Construction
Indefinite	Plain and ordinary meaning

RJ Machine respectfully requests the Court find this limitation indefinite under 35 U.S.C. §112(b) because the term “encompassing manner” does not have a clear meaning in the claim and the specification. *See* Ex. B, ¶¶99-100.

The claim recites “the outer flange and the inner flange are provided in *an encompassing* manner on the first connecting device or on the nut unit.” Ex. A at 9:13-15 (emphasis added). While the claimed outer flange and inner flange are clearly described in the patent, the claimed “encompassing manner” is not. Ex. B, ¶¶101-103.

Referring to Figure 1 (reproduced-in-part to the right with color annotations added), first connecting device 30 (**green**) has outer flange 38. Ex. A at Fig. 1, 6:11-13, Ex. B, ¶103. Connecting unit 50/nut unit 51 (**blue**)⁴ has inner flange 54. Ex. A at 6:55-58;



Ex. B, ¶103. The specification teaches that outer flange 38 abuts inner flange 54. Ex. A at 7:10-14; Ex. B, ¶104. That abutment is clearly seen in the above figure. Ex. B, ¶104. As for the claimed “encompassing manner,” the claims do not recite any limitations explaining or defining that term.

⁴ In the '030 Patent, connecting unit 50 and nut unit 51 are the same component. *See e.g.* Ex. A, 6:55-58 (“connecting unit is designed as a nut unit”); *see also id.* at 7:21, 7:41; Ex. B, ¶103 n.2.

Ex. A at claim 1; Ex. B, ¶102. The specification does not explain or define the term either. Ex. B, ¶¶100, 105. The specification uses the term only once and merely parrots the claim language, stating “the outer flange and the inner flange are provided in an encompassing manner on the first connecting device or the nut unit.” Ex. A at 3:56-58; Ex. B, ¶105.

The extrinsic evidence also does not provide any clarity on the meaning of the term “encompassing manner.” The term “encompassing manner” has no special meaning in the petroleum or mechanical engineering field. Ex. B, ¶106. Merriam Webster defines the term “encompass or encompassing” as “include, comprehend” and “envelop.” Ex. F at 1. A POSITA would not know what it means for outer flange 38 and inner flange 54 to be provided in an “including” or “enveloping” manner. Ex. B, ¶¶107-108. It does not make any sense to describe outer flange 38 and inner flange 54 as being provided in an including or enveloping manner. *Id.* A POSITA would not describe a relationship between components as “including” or “enveloping,” as those terms are ambiguous and unclear. *Id.*

The term “encompassing manner” is even more confusing when considered in the context of the entire claim. *Id.*, ¶109. The claim recites the outer flange and inner flange “are provided in an encompassing manner on the first connecting device or on the nut unit.” Ex. A at 9:13-15; Ex. B, ¶109. That limitation has two alternatives, neither of which make sense. Ex. B, ¶109.

The first alternative is the outer flange and inner flange “are provided in an encompassing manner on the first connecting device.” *Id.*, ¶110. However, the outer flange is a part of the first connecting device (*see* Fig. 1 above, outer flange 38 is part of first connecting device 30 (**green**)). *See* Ex. A, 6:11-13; Ex. B, ¶110. It does not make sense to describe the outer flange and inner flange having some mechanical relationship “*on* the first connecting device...” when the outer flange is a part of the first connecting device. Ex. B, ¶110.

The second alternative is the outer flange and inner flange “are provided in an encompassing manner ... on the nut unit.” *Id.*, ¶111. However, the inner flange is part of the nut unit (*see* Fig. 1 above, inner flange 54 is a part of connecting unit 50/nut unit 51(**blue**)). *See* Ex. A, 6:55-58; Ex. B, ¶111. Additionally, the outer flange is completely surrounded by the walls of the nut unit 51 (*see* Fig. 1 above, outer flange 38 is surrounded by nut unit 51). Ex. B, ¶111. It does not make sense to describe the outer flange and inner flange as being in an encompassing manner “*on* the nut unit”, when the inner flange is a part of the nut unit and the outer flange is surrounded by the nut unit. *Id.*

For the above reasons, the limitation “the outer flange and the inner flange are provided in an encompassing manner on the first connecting device or on the nut unit” fails to inform a POSITA about the scope of the claimed invention and is thus indefinite. *See Nautilus*, 572 U.S. at 901; *see also* Ex. B, ¶112.

F. “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)

RJ Machine’s Construction	AS-Schneider’s Construction
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.	Plain and ordinary meaning

RJ Machine respectfully requests the Court find this limitation subject to 35 U.S.C. §112(f)

and adopt RJ Machine’s proposed construction for the function and structure of this limitation.

This limitation recites “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.” Ex. A at 9:16-19. Because this limitation uses the word “means” in connection with the claimed function, this term is presumed subject to §112(f) and the burden shifts to AS-Schneider to rebut that presumption. *See Williamson*, 792 F.3d at 1348; *see also Flexiteek Ams.*, 2013 WL 3762290, at *3 n.3. Further, the claim limitation does not recite definite structure in support of its function. Ex. B, ¶113. While it recites a “sealing means”, it does not recite any structure, such as types of materials used to form the seal. *Id.* For this additional reason, RJ Machine contends this term is governed by §112(f).

If the Court agrees this is a means-plus-function limitation, then the construction of the term is a two-step process that starts with the Court identifying the claimed function. *See Williamson*, 792 F.3d at 1351. The claim recites “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.” Ex. A at 9:16-18. In other words, the function of this limitation is to create a seal between the first and second connecting devices. Ex. B, ¶114. The specification describes this function as follows:

“wherein according to an advantageous development sealing means are arranged between the upper end side/end face of the outer flange of the first connecting device and the lower end side/end face of the second connecting device.”

Ex. A at 3:58-62 (emphasis added).

“In an embodiment variant, which is not shown, provision is made between the end-face sealing surface 43 and the end-face sealing surface 33 *for sealing means which ensure a permanently reliable sealing function.*

Id. at 7:46-49 (emphasis added); Ex. B, ¶115.

RJ Machine proposes the Court construe the function of this claim as “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.” This construction will be simple for the jury to understand, is supported by the above descriptions in the specification, and explains the outcome of the claimed structures, described next. Ex. B, ¶¶116, 119.

Next, “the court must determine what structure, if any, disclosed in the specification corresponds to the claimed function.” *Williamson*, 792 F.3d. at 1351. The specification describes the following structures involved in sealing the first and second connecting devices together:

For example, provision can be made for O-rings consisting of sealing plastic such as PTFE, elastomer or graphite which for example are arranged inside a groove. A coating of the end faces with sealing material also come into consideration. An especially good sealing function with high press-on pressure can also be ensured by, for example the end face of the first connecting device having a face-turned surface and by the end face of the second connecting device having a turned projecting nose unit.

Ex. A at 3:63-4:5; Ex. B, ¶117.

In light of these teachings, RJ Machine proposes the Court construe the claimed structure as “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.” This proposed construction includes all of the types of seals disclosed in the specification that can be used to create a seal between the first and second connecting devices. Ex. B, ¶¶118-119. Accordingly, RJ Machine respectfully requests the Court adopt its proposed construction for the structure related to this means-plus-function limitation.

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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 June 5, 2024, via the Court’s ECF system.

/s/ M’Liss Hindman

M’Liss Hindman