

**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.

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

JURY TRIAL DEMANDED

AS-SCHNEIDER’S PRELIMINARY INFRINGEMENT CONTENTIONS

Pursuant to the Court’s Scheduling Order (Dkt. 14), Plaintiff Armaturenfabrik Franz Schneider GmbH + Co. KG (“AS-Schneider”) hereby provides its Preliminary Infringement Contentions against Defendant RJ Machine Company, Inc. (“RJ Machine”). Additionally, to the extent in AS-Schneider’s possession, custody, and control, non-privileged documents found after reasonable investigation to date have been produced at AS-SCHNEIDER_0000001-178.

These contentions are preliminary and initial in nature¹ because, among other things, RJ Machine has to date provided no discovery relating to the development, design, manufacture, structure, use, operation and/or marketing of the Accused Products (as identified in Exhibit A hereto). Further, because fact discovery is currently closed, written, documentary, and testimonial discovery obtained after fact discovery opens may inform, expand, or further evidence AS-Schneider’s infringement allegations against RJ Machine. Accordingly, AS-

¹ Final infringement contentions are not due until a later time as set forth in the case scheduling order.

Schneider reserves the right to supplement and/or amend these contentions as appropriate based on, for example, fact discovery, AS-Schneider's continued investigation, RJ Machine's invalidity, non-infringement, and other positions in this case, and/or the Court's claim construction order.

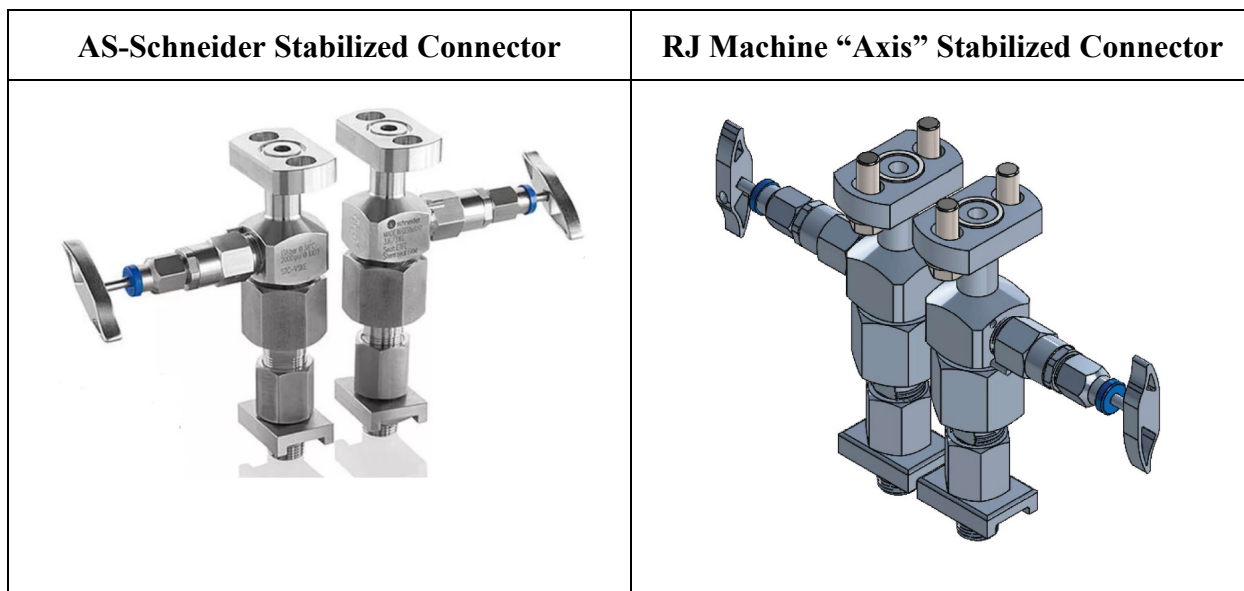
AS-Schneider contends that RJ Machine has infringed and continues to infringe, both directly under 35 U.S.C. § 271(a) and indirectly under 35 U.S.C. §§ 271(b), (c), and (f),² at least claims 1-7 ("Asserted Claims") of U.S. Patent No. 9,851,030 ("the '030 Patent"). AS-Schneider further contends that RJ Machine was aware and on notice of infringement of the '030 Patent well before this suit, and therefore, RJ Machine's infringement is and continues to be willful. Moreover, AS-Schneider hereby incorporates by reference its allegations and contentions in and accompanying its Complaint against RJ Machine (Dkt. 1, 1-2).

AS-Schneider has endeavored to prepare contentions that are as accurate as possible based on the information currently in its possession, without having the benefit of discovery from RJ Machine, including as to information not readily publicly available. AS-Schneider expressly reserves the right to amend these contentions as additional information regarding the Accused Products is obtained from RJ Machine and its suppliers and customers (as needed) over the course of discovery.

² AS-Schneider reserves its ability to allege infringement 35 U.S.C. § 271(f) should it learn that RJ Machine supplies and/or causes to be supplied outside the United States "all or a substantial portion of the components of a patented invention" (§ 271(f)(1)) and/or components "especially made or especially adapted for use in the invention and not a staple article or commodity of commerce suitable for substantial non-infringing use" (§ 271(f)(2)), where such components are combined outside the United States in a manner that would infringe had the combination occurred in the United States. AS-Schneider thus reserves the right to revise and/or supplement its allegations of infringement under 35 U.S.C. § 271(f) based on discovery regarding RJ Machine's manufacture and sales of components of the Accused Products for assembly and use outside the United States.

AS-Schneider has prepared Exhibit A hereto, which is a claim chart setting forth AS-Schneider’s preliminary identification of the Accused Products, Asserted Claims, and where in the Accused Products each element/limitation of the Asserted Claims is found based on information reasonably available to AS-Schneider as of the date of these Preliminary Infringement Contentions. As set forth in Exhibit A, AS-Schneider presently contends that each element of each asserted apparatus/system claim is literally present in the Accused Products identified as infringing that claim. Moreover, if each element of an asserted claim is not literally or identically present in the Accused Products, AS-Schneider contends that RJ Machine still infringes under the doctrine of equivalents based on the Accused Products performing substantially the same function in substantially the same way to obtain the same result (or based on another or additional applicable legal standard).

Moreover, AS-Schneider contends that RJ Machine, as further supported by the accompanying claim chart, copied AS-Schneider products protected by the ’030 Patent as evident from the following side-by-side illustration:



AS-Schneider reserves the right to supplement or revise these contentions and/or accompanying claim chart to allege infringement under the doctrine of equivalents based on, for example, discovery, RJ Machine's claim construction, non-infringement, and/or invalidity positions, and/or the Court's claim construction order. Further, AS-Schneider reserves the right to supplement or revise these contentions and/or accompanying claim chart, including identification of additional or a revised set of Asserted Claims, based on, for example, new versions or variations of one or more of the Accused Products that are later discovered.

Based on information presently available to AS-Schneider, the earliest priority date for each asserted claim of the '030 Patent is April 17, 2014. AS-Schneider's investigation regarding the earliest date of invention is ongoing. AS-Schneider reserves the right to supplement or revise that date should AS-Schneider learn of information warranting such change.

Date: March 6, 2024

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CERTIFICATE OF SERVICE

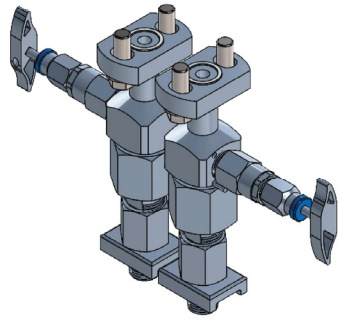
I hereby certify that on March 6, 2024, I served the foregoing and accompanying documents by electronic mail on counsel of record.

/s/ Wasif H. Qureshi
Wasif H. Qureshi

Exhibit A
U.S. Patent No. 9,851,030 – Infringement Claim Chart

AS-Schneider accuses of infringement RJ Machine’s “Axis” Stabilized Connector product (*e.g.*, ST6S type stabilized connector), including any and all variations, releases, and/or models thereof regardless of what those products are called or named (“Accused Products”). The Accused Products directly and/or indirectly infringe claims 1-7 of U.S. Patent No. 9,851,030 (“the ’030 Patent”) under 35 U.S.C. §§ 271 (a), (b), (c), and/or (f). By identifying exemplary evidence in this chart of where or what in an Accused Product a limitation of an asserted claim is met or practiced, AS-Schneider does not admit or acquiesce to the propriety of any particular claim constructions. This chart incorporates by reference the material set forth in AS-Schneider’s Preliminary Infringement Contentions (cover document).

Further, as discovery is closed at the time of these Preliminary Infringement Contentions (and RJ Machine has not yet produced technical documents in connection with its preliminary invalidity contentions which are due at a later time), RJ Machine at the time of these Preliminary Infringement Contentions has not produced information and discovery regarding the development, design, manufacture, structure, use, operation, marketing, offers to sell, and/or sales of the Accused Products. Such discovery may provide additional details regarding the Accused Products that AS-Schneider may use or rely on for its infringement allegations, and AS-Schneider accordingly reserves the right to supplement or revise its infringement contentions and/or this chart based on such discovery from RJ Machine. AS-Schneider further reserves the right to supplement or revise its infringement contentions, including with respect to literal infringement and/or infringement under the doctrine of equivalents, based on: further discovery; RJ Machine’s claim construction, non-infringement, and/or invalidity positions; and/or the Court’s claim construction rulings. Moreover, AS-Schneider reserves the right to supplement or revise its infringement contentions and/or this chart, including addition of additional asserted claims, based on past, current, and/or future versions, models, releases, and/or variations of the Accused Products or other RJ Machine products (regardless of whether specifically named as such) that are later discovered.

Asserted Claims of the '030 Patent	Infringement by RJ Machine ¹
[1a]² 1. A connecting apparatus comprising:³	The Accused Products are a connecting apparatus:  AX6ST6S STABILIZED CONNECTORS 3/8" ORIFICE WITH INTEGRAL ISOLATE VALVE 3/8" Orifice Stabilized Connectors with Isolate Valve The AX6ST6S provides a stabilized connector with integral block valve. The compression nut and foot take the radial forces off of the NPT threads and distribute the load along the foot to provide a more robust mounting solution. The unique union style allows for quicker and easier installation. Bolt holes are elongated to accommodate 2-1/8" to 2-1/4" centers. Dielectric Flange Seals and bushings are available as an option. 

¹ Annotations are in red.

² Claim element numbers have been added for ease of reference.

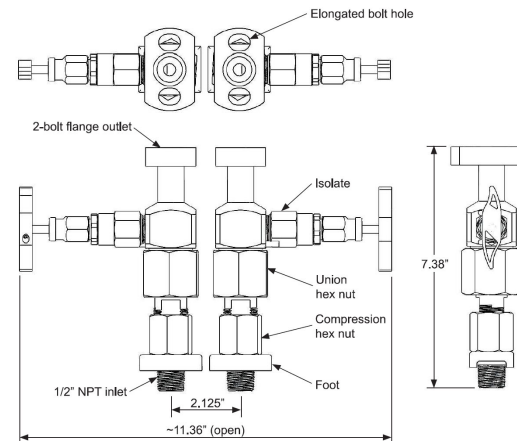
³ AS-Schneider does not concede that the preamble limits the claim. *See Am. Med. Sys., Inc. v. Biolitec, Inc.*, 618 F.3d 1354, 1358 (Fed. Cir. 2010) (“A preamble is not regarded as limiting . . . when the claim body describes a structurally complete invention.”) (internal quotes and citation omitted). Regardless, PLG herein presents evidence establishing that the Accused Products meet the language of the preamble.



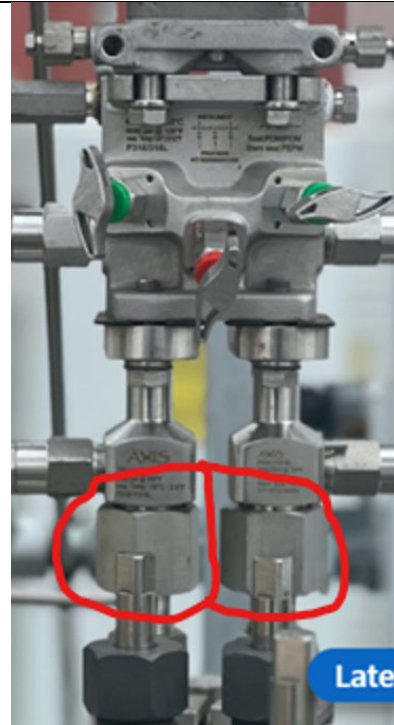
AX6ST6S STABILIZED CONNECTORS 3/8" ORIFICE WITH INTEGRAL ISOLATE VALVE

Technical Specification

Normal Pair Installation Configuration

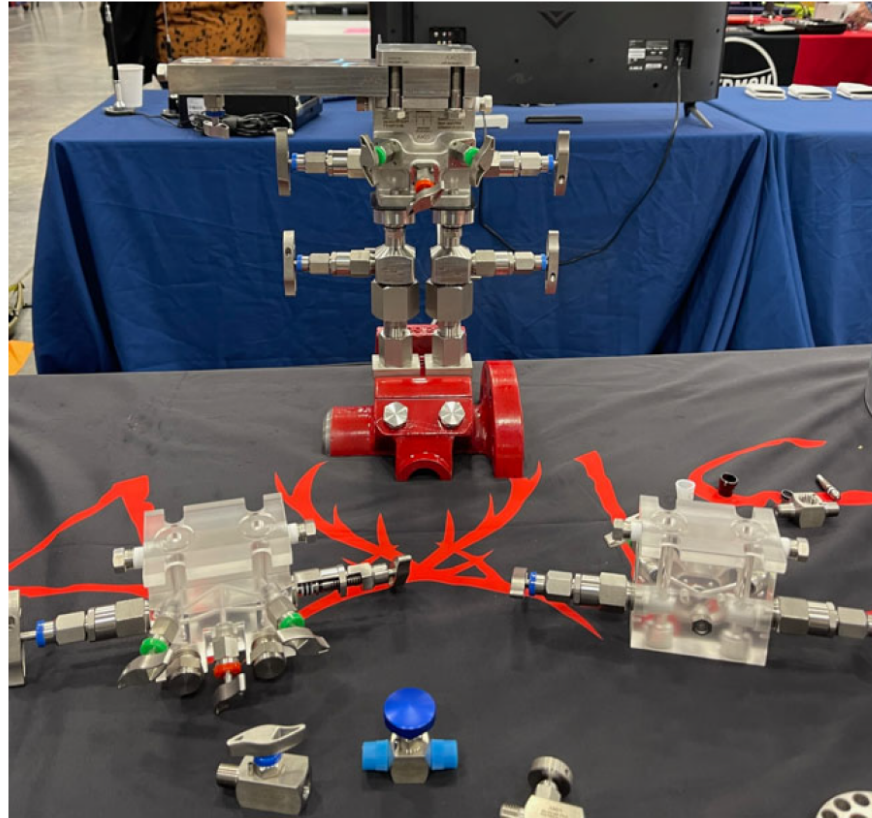


Specification	
Model	AX6ST6SXXXX
Orifice	3/8"
Rating	POM, PEEK seat: 6000 psi at 100°F 414 bar at 38°C ETFE seat: 2000 psi at 100°F 138 bar at 38°C
Seat	Soft seat, POM, ETFE, PEEK
Packing	O-ring, FEPM, or FKM
Stem	Non-rotating
Inlet	1/2" female NPT
Outlet	2-bolt flange
Handle	Removable
Body	Forging
Weight	Single unit: 3 lb, 7 oz, (1.56 kg) Pair: 6 lb, 14 oz, (3.12 kg)



Moreover, in addition to making and using the Accused Products, RJ Machine has offered to sell and sold the Accused Products:



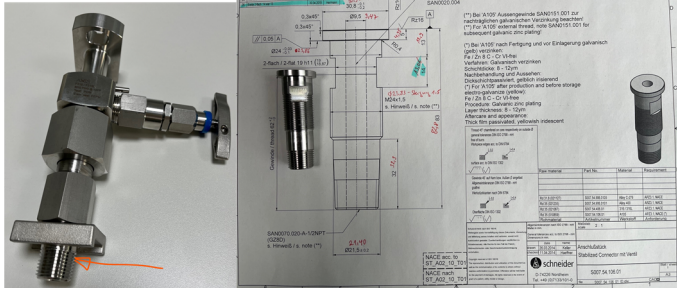
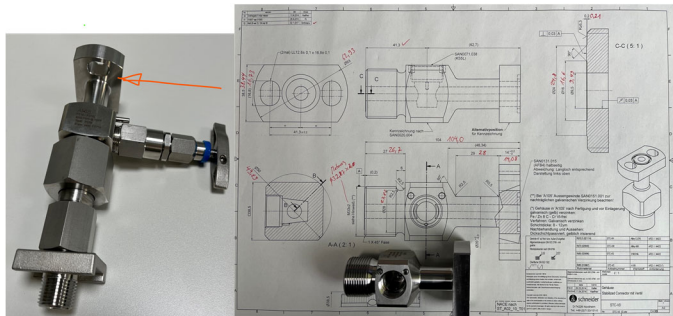


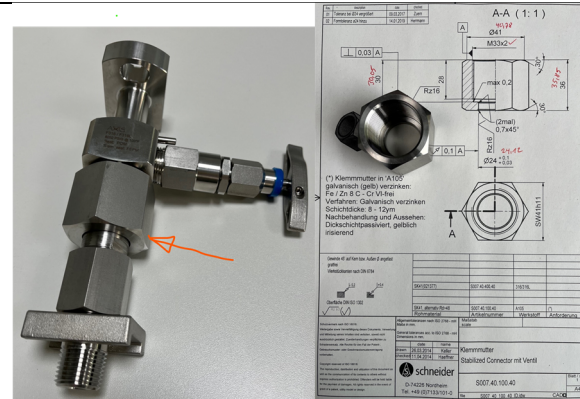




	
[1b] a first connecting device that is connectable to a pipeline or to a metering orifice device in a sealing manner, said first connecting device having a first through-opening in a longitudinal direction;	This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products in connection with what appears to be copying of the AS-Schneider product specifications:⁴

⁴ Pictures like this in this claim chart juxtapose the Accused Product component with the AS-Schneider drawing/specification for the AS-Schneider component of its stabilized connector covered by the '030 Patent. The Accused Product measurements are written in red on the AS-Schneider drawing/specification. But to be clear, AS-Schneider's infringement contentions herein are not dependent on measurements of components of the Accused Products. The measurements do however evince RJ Machine's copying of the patented AS-Schneider stabilized connector.

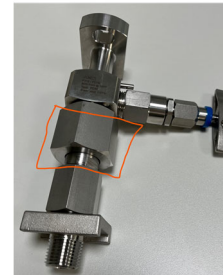
	 <i>See also claim element [1a] supra.</i>
[1c] a second connecting device that provides a sealing connection to a measuring instrument or to a valve block/valve, said second connecting device having a second through-opening in a longitudinal direction; and	This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products in connection with what appears to be copying of the AS-Schneider product specifications:  <i>See also claim element [1a] supra.</i>
[1d] a connecting unit that provides a sealing connection to the first and second connecting devices, wherein	This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products in connection with what appears to be copying of the AS-Schneider product specifications:



See also claim element [1a] *supra*.

[1e] the first and second connecting devices are interconnected with sealing effect,

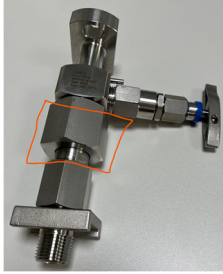
This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products:



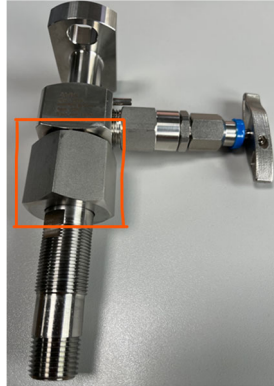
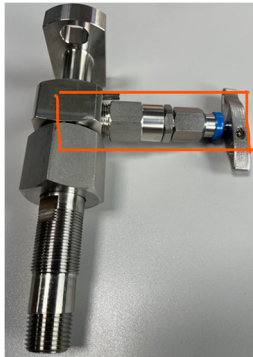
See also claim element [1a] *supra*.

[1f] the connecting unit is designed so that the sealing connection can be created solely by rotation of the connecting unit without rotating the first and second connecting devices,

This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products:

	 The sealing connection can be realized by rotation of the red-annotated part without rotating the first and second connecting devices identified with respect to claim elements [1b] and [1c]. <i>See also</i> claim element [1a] <i>supra</i>.
[1g] an upper edge region of the first connecting device has an outwardly pointing outer flange and an end-face sealing surface,	This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products:  <i>See also</i> claim element [1a] <i>supra</i>.
[1h] a lower edge region of the second connecting device has a male thread and an end-face sealing	This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products:

surface,	<i>See also</i> claim element [1a] <i>supra</i>.
[1i] 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,	This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products: <i>See also</i> claim element [1a] <i>supra</i>.
[1j] the outwardly pointing outer flange of the first connecting device fits behind the inner flange of the nut unit,	This claim element is present in the Accused Products:

	<i>See also claim element [1a] supra.</i>
[1k] the female thread of the nut unit is screwed onto the male thread of the second connecting device so that by means of the inner flange and the outer flange the end-face sealing surfaces are clamped together with sealing effect,	This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products:  <i>See also claim element [1a] supra.</i>
[1l] a shutoff valve is connected to the second connecting device, a longitudinal axis of which extends obliquely to a longitudinal axis of the apparatus,	This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products:  <i>See also claim element [1a] supra.</i>

[1m] the outer flange and the inner flange are provided in an encompassing manner on the first connecting device or on the nut unit, and

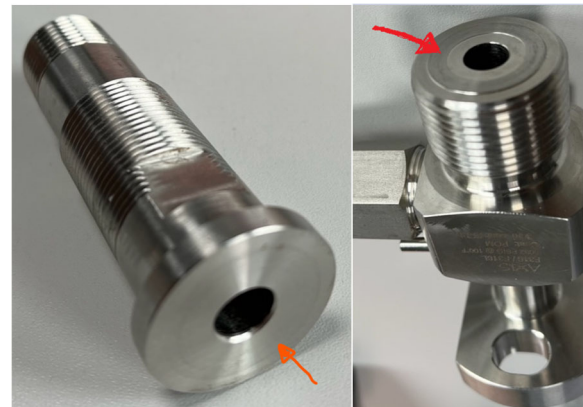
This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products:



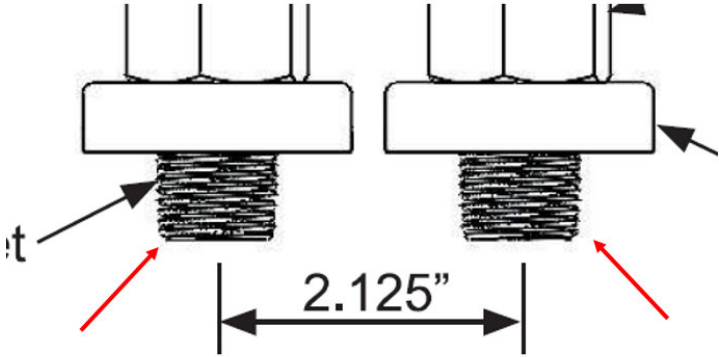
See also claim element [1a] supra.

[1n] 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.

This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products:

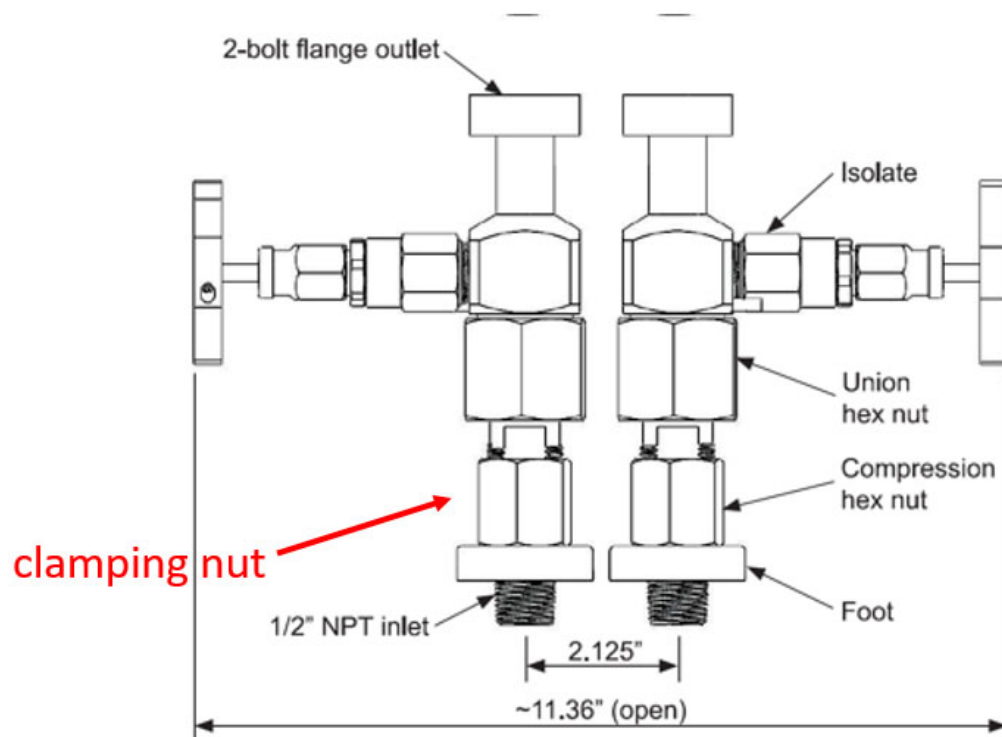


See also claim element [1a] supra.

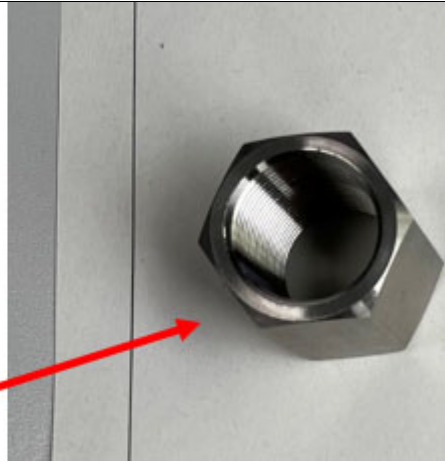
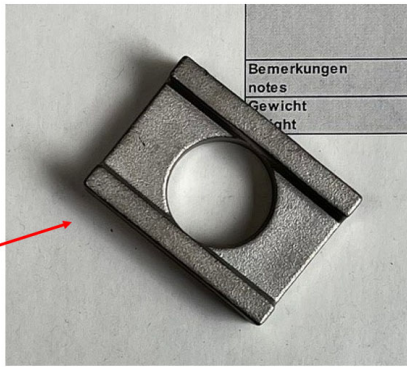
2. The connecting apparatus as claimed in claim 1, wherein the first connecting device has a thread in a lower edge region of the first connecting device.	This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products:  <i>See also</i> claim elements [1a]-[1n] <i>supra</i>.
3. The connecting apparatus as claimed in claim 2, wherein the thread has a conical shape.	This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products, pointing to the conically shaped thread:  <i>See also</i> claim 2 <i>supra</i>.

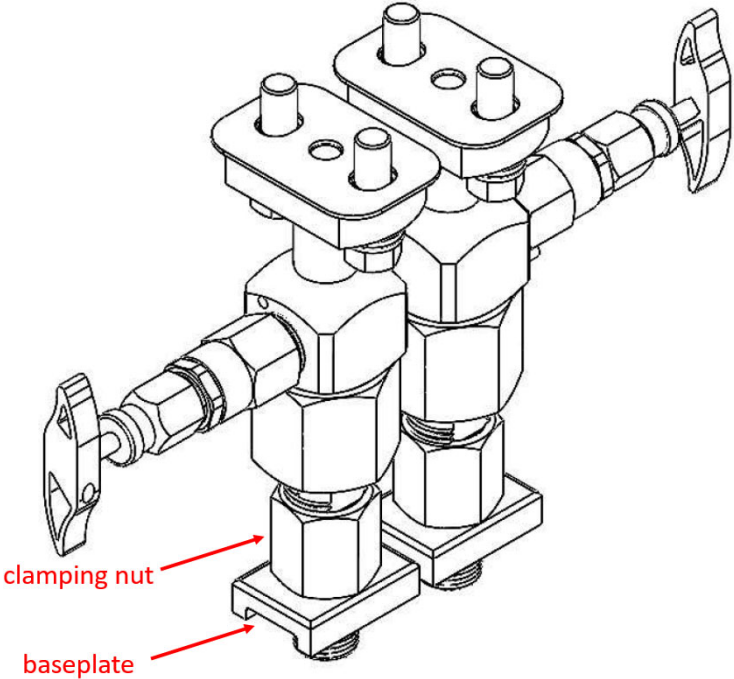
4. The connecting apparatus as claimed in claim 1, wherein the first connecting device has a male thread upon which can be screwed a clamping nut with female thread, wherein the clamping nut can be clamped on the surface of the first connecting device.

This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products:

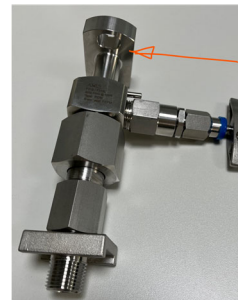


The clamping nut has a female thread that is clamped on the male thread on the surface of the first connecting device:

	 clamping nut <i>See also claim elements [1a]-[1n] supra.</i>
5. The connecting apparatus as claimed in claim 4, further comprising: a baseplate that has through-openings through which the first connecting device can pass, in certain sections, in the longitudinal direction, said baseplate being clamped by means of the clamping nut on the surface of the pipeline.	This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products:  baseplate

	 As shown above, the baseplate has openings through which the first connecting device can pass, in certain sections, in the longitudinal direction, said baseplate being clamped by means of the clamping nut on the surface of the pipeline. <i>See also claim 4 supra.</i>
6. The connecting apparatus as claimed in claim 1, wherein the second connecting device has an outwardly pointing outer flange in an upper edge region of the second connecting device that is connectable	This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products:

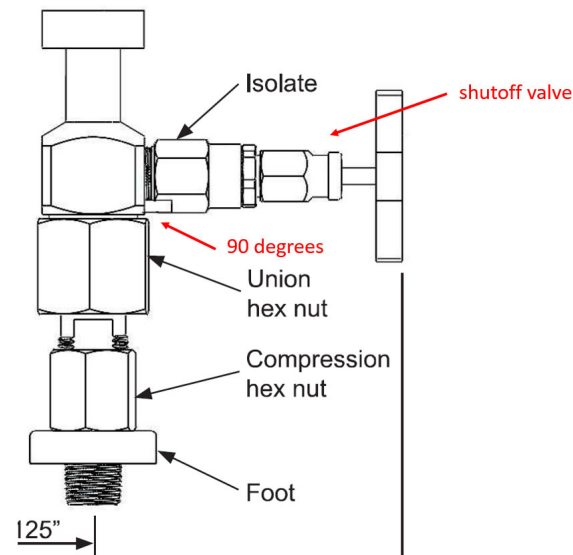
to a valve block or to a measuring instrument.



See also claim elements [1a]-[1n] supra.

7. The connecting apparatus as claimed in claim 1, wherein the longitudinal axis of the shutoff valve extends to the longitudinal axis of the apparatus at an angle of 90°.

This claim element is present in the Accused Products as illustrated by the following annotation of the Accused Products:



See also claim elements [1a]-[1n] supra.