

EXHIBIT 2001

Appeal Nos. 20-1046, 2050

**United States Court of Appeals
for the Federal Circuit**

KYOCERA Senco INDUSTRIAL TOOLS INC., fka Kyocera Senco
Brands Inc.,
Appellant,

v.

INTERNATIONAL TRADE COMMISSION
Appellee,

KOKI HOLDINGS AMERICA LTD., fka Hitachi Koki U.S.A. Ltd.,
Intervenor.

KOKI HOLDINGS AMERICA LTD., fka Hitachi Koki U.S.A. Ltd.,
Appellant,

v.

INTERNATIONAL TRADE COMMISSION
Appellee,

KYOCERA Senco INDUSTRIAL TOOLS INC., fka Kyocera Senco Brands Inc.,
Intervenor.

Appeals from United States International Trade Commission
Investigation No. 337-TA-1082

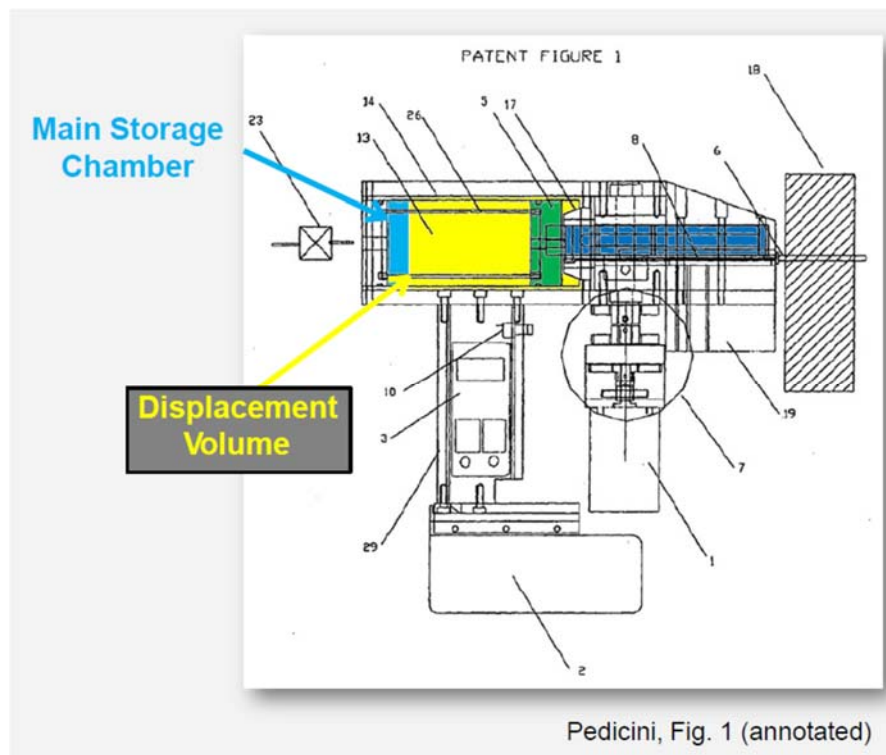
**KOKI HOLDINGS AMERICA LTD.
SECOND CORRECTED NON-CONFIDENTIAL OPENING AND
RESPONSE BRIEF**

(See Inside Cover For Appearances)

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(Appx136-141 citing Appx2616 (RDX-0001.225).) In reaching that conclusion, however, the CALJ misapplied the agreed-construction of “main storage chamber” by erroneously finding that “volume of the cylinder” in the agreed-upon construction means something other than the “displacement volume” of the hollow cylinder recited in the claims. (Appx139.)

1. The CALJ Incorrectly Treated the Word “Volume” in the Construction of “Main Storage Chamber” to be Something Other Than the Claimed “Displacement Volume”

The only “volume” recited in the Asserted Claims of the ’718 patent is the “displacement volume” of the “hollow cylinder.” (Appx577(37:63-65), Appx578(39:43-45), Appx579(41:6-8) (’718 patent).) This

“displacement volume” is expressly limited to the region “created by the stroke of the piston” (*id.*), meaning it includes only the volume through which the piston moves from its upper position to its driven position (*id.*; Appx1353 at 262:19–22 (Tr. Pratt)).

Despite this clear claim language, the CALJ interpreted the “volume of the cylinder” in the agreed-construction of “main storage chamber” to mean all volume bounded by the structure recited as the “hollow cylinder,” including volumes other than that which constitutes the “displacement volume.” (Appx139.) In doing so, the CALJ treated the word “volume” in the construction of “main storage chamber” to refer to something other than the “displacement volume,” even though no other cylinder volume is defined or mentioned in the claims or the specification.

The CALJ’s approach to interpreting the term “volume” is also internally inconsistent with his approach to interpreting the term “cylinder” in the same construction. The CALJ accepted that the word “cylinder” in the agreed-construction refers to the claimed “hollow cylinder,” despite the fact that the agreed-construction omits the “hollow” adjective. (Appx139.) However, he treated the word “volume” in the agreed construction as referring to something other than the

“displacement volume” of the claims based on the fact that the agreed construction omits the “displacement” adjective. (*Id.*) Had the CALJ been consistent in applying claim construction principles, he would have determined that “the volume of the cylinder” refers to only the “displacement volume.”

Compounding this error, the CALJ then impermissibly compared the Pedicini design to the figures in the '718 patent. In particular, the CALJ equated the light blue region of Pedicini alleged to be the “main storage chamber” with an upper portion of the “gas reserve chamber 76” in Figures 2 and 6 of the '718 patent. (Appx140-141.) But the '718 patent interchangeably refers to element 76 as both the “gas pressure chamber 76” and the “displacement volume 76.” (*See* Appx563-566(9:58, 9:60, 10:23–24, 11:15, 11:54, 12:34, 12:41, 12:47, 12:58, and 15:8) ('718 patent).) As noted above, it is undisputed that the region above the piston in Pedicini is *not* the “displacement volume.” (*See* Appx1353-1354 (262:23–263:1 (Tr. Pratt).) Thus, it was legal error for the CALJ to equate the light blue region above the piston in Pedicini with the “displacement volume” in the '718 patent.