

United States District Court,
D. Delaware.

VDO NORTH AMERICA L.L.C,
Plaintiff.

v.
TI GROUP AUTOMOTIVE SYSTEMS, (North America),
Inc. Defendant.

No. 00-432-GMS

Dec. 3, 2001.

As Amended Jan. 22, 2002.

ORDER

SLEET, District J.

After considering the submissions of the parties and hearing oral argument on the matter, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the court construes the disputed claims of the patent-in-suit as follows:

U.S. Patent No. 4,860,714:

1. Claim 2: "fuel reservoir"

Claim 2 is construed to mean "the portion of the apparatus for pumping fuel in which fuel is collected and retained apart from the fuel in the fuel tank."

2. Claim 2: "opening for connecting the interior of the reservoir to the interior of the fuel tank...."

Claim 2 is construed to mean "an aperture disposed adjacent to both the interior of the reservoir and the interior of the fuel tank, allowing fuel from the fuel tank to be entrained directly into the reservoir."

3. Claim 2: "pumping means for pumping fuel into the reservoir...."

This language is construed pursuant to 35 U.S.C. s. 112 para. 6. The function of this claim is to pump fuel into the reservoir. The structure corresponding to "pumping means" encompasses connecting tube 164, jet pump 30 formed in jetblock 144 and associated check valve 22.

4. Claim 2: "said means being located within the reservoir...."

Claim 2 is construed to mean: "that the pumping means components are located inside the reservoir."

5. Claim 2: "causing fuel to be entrained through the opening into the interior of the reservoir."

Claim 2 is construed to mean "that fuel is drawn through the opening into the interior of the reservoir."

6. Claim 2: "means for routing a first portion of the output of the high pressure fuel to the supply port and a second portion of the output of high pressure fuel to the pumping means..."

This language is construed pursuant to 35 U.S.C. s. 112 para. 6. The function is to 'route a first portion of the output of high pressure fuel to the supply port and a second portion of the output of high pressure fuel to the pumping means.' The structure corresponding to the "means for routing" to perform the function encompasses main housing 140, check valve 38, supply nozzle 134 and the associated structure leading to jet pump 30.

7. Claim 7: "baffle."

Claim 7 is construed to mean "a structure for isolating fuel leaving the pumping means from the region of the opening of the inlet to the high pressure pump."

8. Claim 8: "at the bottom of the reservoir."

Claim 8 is construed to mean "that the opening is formed in the bottom surface of the reservoir."

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