

United States District Court,
W.D. Michigan, Southern Division.

JOHNSON CONTROLS TECHNOLOGY CO., Inc., Hoover Universal, Inc., and Johnson Controls Interiors, L.L.C,
Plaintiffs.

v.

MAU FONG ELECTRON CO., LTD., Altrusty Enterprise Co., Ltd., and Tung Shih Technology Co., Ltd,
Defendants.

No. 1:02-CV-254

Nov. 6, 2003.

David J. Gass, Richard E. Hillary, II, Miller Johnson PLC, Grand Rapids, MI, M. Reed Staheli, Foley & Lardner LLP, Milwaukee, WI, for Plaintiffs.

John G. Chupa, John G. Chupa and Associates, P.C., Farmington Hills, MI, for Defendants.

ORDER REGARDING CLAIM CONSTRUCTION

RICHARD ALAN ENSLEN, District Judge.

On September 8, 2003, this Court granted partial summary judgment in favor of Plaintiffs Johnson Controls Technology Co., Inc., Hoover Universal, Inc., and Johnson Controls Interiors, L.L.C. and against Defendants Mau Fong Electron Co., Ltd. and Altrusty Enterprise Co., Ltd. The Order and Partial Judgment followed the parties' filing of competing summary judgment motions.

Prior to the Order of September 8, 2003, a Case Management Order was issued requiring the filing of competing claim construction briefs in accordance with *Markman v. Westview Instructments, Inc.*, 517 U.S. 370 (1996). The *Markman* decision made clear that patent construction was an essential aspect of patent adjudication, but took no position as to whether the construction should take place as part of a separate hearing process or in the context of summary judgment briefing. *See Ballard Medical Products v. Allegiance Healthcare Corp.*, 268 F.3d 1352, 1358 (Fed.Cir.2001) (holding that "*Markman* does not require a district court to follow any particular procedure in conducting claim construction. It merely holds that claim construction is the province of the court, not a jury.") In this case, it appears that the parties have already been fully heard on the pertinent construction issues and further hearing would not serve any important judicial purpose.

As for the parties' claim construction briefs, they are succinct and appear to merely reiterate arguments previously raised and resolved in the context of the summary judgment briefing. From these briefs the Court can discern no principled reason to alter or amend the claim construction contained within its Opinion of

September 8, 2003.

THEREFORE, IT IS HEREBY ORDERED that the Court adopts as its claim construction the construction contained within its Opinion of September 8, 2003.

W.D.Mich.,2003.

Johnson Controls Technology Co., Inc. v. Mau Fong Electron Co., Ltd.

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