

United States District Court,
E.D. Texas, Lufkin Division.

PRESSURE PRODUCTS MEDICAL SUPPLIES, INC,
Plaintiff.

v.

QUAN EMERTEQ CORP., d/b/a Enpath Medical Inc,
Defendant.

Civil Action No. 9:06-CV-121

June 5, 2008.

Claude Edward Welch, Law Office of Claude E. Welch, Lufkin, TX, Andrew B. Grossman, Wilmer, Cutler Pickering Hale & Dorr LLP, Carolyn S. Lu, Richard Henry Zaitlen, Pillsbury Winthrop Shaw Pittman, Los Angeles, CA, John Francis Easton, Vincent Eugene Morgan, Pillsbury Winthrop Shaw Pittman, Houston, TX, for Plaintiff.

David Greer Henry, Caroline Cook, Chris Lee Gilbert, Gregory Perrone, Patton Boggs, Marcus Elliott Johnson, Cox Smith Mathews Incorporated, Dallas, TX, J. Daniel Harkins, Cox Smith Matthews Incorporated, Leslie Sara Hyman, Cox & Smith Inc., San Antonio, TX, James Stephen Roper, Zeleskey Cornelius Hallmark Roper & Hicks, Lufkin, TX, for Defendant.

SUPPLEMENT TO CLAIM CONSTRUCTION ORDER

RON CLARK, District Judge.

Plaintiff Pressure Products Medical Supplies, Inc. moved to exclude those portions of John Zawacki's expert report and testimony inconsistent with the Markman Order's interpretation of the term "means for permitting removal of said hemostatic valve and introducer sheath or hemostatic valve over an end of the lead or catheter" in the '355 patent [Doc. # 128]. The parties disputed whether the structure in the court's construction could actually perform the function recited. As discussed in the record of the Final Pre-Trial Conference, in light of the parties' statements and representations, and a careful reading of the '355 patent, the court now modifies its Claim Construction Order [Doc. # 89] as follows.

The structure for the term "means for permitting removal of said hemostatic valve and introducer sheath or hemostatic valve over an end of the lead or catheter" in the '355 patent will be: "(1) one or more score lines defined in the hemostatic valve and introducer sheath with a cut in the resealable membrane; (2) a two-part body comprising the hemostatic valve and one or more score lines defined in the introducer sheath with a cut in the resealable membrane; and (3) equivalents thereof." The parties agreed to this definition at the Final Pre-Trial Conference. *See* Tr. at p. 86, 1.17-p. 87, 1.2 and p. 87, 1.20-p. 88, 1.10.

The jury shall be instructed in accordance with the court's interpretation of this disputed claim term for the

'355 patent.

So **ORDERED** and **SIGNED**.

E.D.Tex.,2008.

Pressure Products Medical Supplies, Inc. v. Quan Emerteq Corp.

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