

United States District Court,
D. Delaware.

GREAT LAKES CHEMICAL CORPORATION,
Plaintiff.

v.
ARCHIMICA SPA, Archimica (Missouri), Inc., and BTP, PLC,
Defendants.

No. Civ.A. 99-728-JJF

Jan. 22, 2001.

Josy W. Ingersoll, Young, Conaway, Stargatt & Taylor, Wilmington, DE, for Plaintiff.

William J. Marsden, Jr., J. Andrew Huffman, Fish & Richardson, P.C., Wilmington, DE, for Defendant.

MEMORANDUM ORDER

FARNAN, J.

The parties have briefed and argued their positions concerning the interpretation of the disputed terms of the '481 Patent at issue in this litigation. Defendants contend that a narrow reading of the asserted claims is appropriate (D.I. 166 at 4), while Plaintiff argues that Defendants' interpretation would require the Court to impose limitations on the claims not warranted when the claims are read in the context of the ordinary and customary meaning of the claims' words. (D.I. 182 at 5). Both parties have also argued their view concerning the role the specification should play in the construction of the disputed terms.

In construing the disputed claim language, the Court has applied a meaning that one of ordinary skill in the art at the time of the invention would have understood the disputed terms to mean. As for the role of the specification in the Court's claim construction, the Court has reviewed and utilized the specification as an aid to assist the Court; however, the Court has not applied the specification as mandating limitations on the scope of the claims. *Ekchian v. The Home Depot, Inc.*, 104 F.3d 1299 (Fed.Cir.1997).

With these principles in mind, the Court construes the disputed terms as follows:

"1 to 4 equivalents of phosgene"

The Court concludes that "1 to 4 equivalents of phosgene" means 1 to 4 molar equivalents of phosgene in relation to tic-a used. The Court declines to substitute the term "parts" for the term "equivalents." The Court does not agree that the use of "equivalents" will result in the jury being misled into some confusion between the term "equivalent" and the Doctrine of Equivalents.

"solvent"

The Court concludes that "solvent" means an organic solvent with a boiling point between 50 C and 125 C. The Court is persuaded that, absent some source from which the Court might find a limitation on the term "solvent," none should be applied.

"first reaction mixture"

The Court concludes that "first reaction mixture" means a mixture including at least tic-a, 1 to 4 molar equivalents of phosgene, and an organic solvent having a boiling point between 50 C and 125 C. The Court's construction accepts Plaintiff's contention that the first reaction mixture is not limited to one organic solvent. In reaching this conclusion, the Court is mindful that the patentees made no effort during the prosecution of their patent application to limit the scope of the claims.

"Amine-Addition Temperature"

Defendants contend that the Court must construe the term "Amine-Addition Temperature" to avoid jury confusion. The Court concludes that this term does not require construction beyond its ordinary, customary meaning as understood by those skilled in the art. If the Court did construe the claim to assist the jury, the Court would instruct the jury that the term merely refers to a temperature to which the "reaction mixture" is cooled prior to the addition of amine.

So Ordered.

D.Del.,2001.

Great Lakes Chemical Corp. v. Archimica Spa

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