

United States District Court,  
C.D. California.

**ALFA LEISURE, INC,**  
Plaintiff.

v.  
**KING OF the ROAD, a division of Chief Industries, Inc,**  
Defendant.

No. ED CV 01-796 RT (SGLx)

**Feb. 20, 2004.**

Craig S. Summers, Irfan A. Lateef, Lauren K. Katzenellenbogen, Michael K. Friedland, Knobbe Martens Olson & Bear, Irvine, CA, for Plaintiff.

Aaron T. Borrowman, Scott W. Kelley, Kelly Lowry and Kelley LLP, Woodland Hills, CA, Dennis L. Thomte, Thomte Mazour & Niebergall, Omaha, NE, for Defendant.

### **COURT'S CONSTRUCTION OF CLAIMS OF U.S. PATENT NO. RE37,351**

**ROBERT J. TIMLIN, District Judge.**

Plaintiff Alfa Leisure, Inc. ("Alfa") brought this patent infringement action alleging that defendant King of the Road ("King") was infringing on certain claims of its U.S. Patent No. RE37,351 ("351").

On February 20, 2004, the court presided over a hearing pursuant to *Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 116 S.Ct. 1384, 134 L.Ed.2d 577 (1996), *aff'g* 52 F.3d 967 (Fed.Cir.1995) (en banc), concerning the proper construction of the claims of the patent in suit. The parties were represented at the hearing by counsel, and the court heard argument. Based on the parties' claim construction briefs, the supporting evidence, and the argument of counsel presented at the hearing, the court hereby construes as a matter of law the following terms in the challenged claims of the 351 patent FN1: (1) "chassis" has its ordinary meaning; (2) "chassis section" has its ordinary meaning; (3) "first elevated section" has its ordinary meaning; and (4) "first elevated chassis section" has its ordinary meaning.FN2

FN1. At the *Markman* hearing, King withdrew its request for claim construction for the term "chassis member" because it does not appear in any of the challenged claims. King also withdrew its request for claim construction for the terms "storage compartment" and "trunk space." These two terms will have their ordinary meaning.

FN2. The parties agree that the claim terms "first elevated section" and "first elevated chassis section" are interchangeable.

C.D.Cal.,2004.

Alfa Leisure, Inc. v. King of Road

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