

United States District Court,  
D. Delaware.

**MEDTRONIC MINIMED INC,**  
Plaintiff and Counter-defendant.

v.

**SMITHS MEDICAL MD INC,**  
Defendant and Counterclaimant.

Civil Action No. 03-776-KAJ

**June 1, 2005.**

Karen Jacobs Loudon, Morris, Nichols, Arsht & Tunnell, Wilmington, DE, for Plaintiff and Counter-defendant.

Corinne A. Niosi, Morgan, Lewis & Bockius LLP, Washington, DC, for Defendant and Counterclaimant.

***ORDER***

**KENT A. JORDAN, District Judge.**

For the reasons set forth in the Memorandum Opinion issued today in this matter,

IT IS HEREBY ORDERED that the disputed claim terms in U.S. Patent No. 6,241,704, U.S. Patent No. 6,554,065, and U.S. Patent No. 6,241,798 are construed as follows:

CLAIM TERM/PHRASE	THE COURT'S CONSTRUCTION
The 704 Patent	
Claim 6	
"A pump apparatus for pumping fluid to a patient"	This preamble is limiting and has its plain meaning.
"processor means electronically connected to said memory for retrieving said operational data to control the operation of said pump mechanism"	The claim term is a means-plus-function limitation, the claimed function being "retrieving said operations data to control the operation of said pump mechanism" and the corresponding structure is microprocessor 182.
"at least one port means operable as either a communications port for effecting communication with a device external of said pump mechanism or as an input port for receiving input from the patient or a user for specifying the amount of fluid to be pumped by said	The claim term is a means-plus-function limitation with two separate functions. The first function is "operable as a communications port for effecting communication with a device external of said pump mechanism" and the corresponding structure is communications port 132. The second function is "operable as an input for receiving input from the patient or a user for specifying the amount of fluid to be pumped by said pump mechanism" and the

pump mechanism."	corresponding structure is remote dose port 234.
Claim 11	
"controller means utilizing said operations program for controlling the operation of said pump"	The claim term is a means-plus-function limitation, the claimed function being "controlling the operation of said pump" and the corresponding structure to be microprocessor 182 used in conjunction with memory 184.
"access code"	The claim term means "a sequence of characters used as a password which an authorized user must enter to gain access to the controller means."
"locked state"	The claim term has its plain meaning.
"unlocked state"	The claim term has its plain meaning.
"wherein said access code required for altering the operations of said operations program is entered via said keyboard"	The claim term has its plain meaning.
"wherein said access code program places said controller means in the locked state after the operations controlled by said operations program has been altered"	The claim term has its plain meaning.
The '065 Patent	
Claim 1	
"dispensing protocol"	The claim term means "a plan or regimen for the delivery of medication."
"first medication dispensing protocol," "second medication dispensing protocol," and "third manually inputted medication dispensing protocol."	These claim terms are consistent with the meaning of "dispensing protocol."
"automatically control"	The claim term has its plain meaning.
"controller means for automatically controlling said delivery means to deliver the selected medication dosage to the patient according to a first medication dispensing protocol"	The claim term is a means-plus-function limitation, the claimed function being "automatically controlling said delivery means to deliver the selected medication dosage to the patient according to a first medication dispensing protocol" and the corresponding structure is controller 24.
"means for inputting blood data to said controller means"	The claim term is a means-plus-function limitation, the claimed function being "inputting blood data to said controller means" and the corresponding structures are a "glucose sensor or meter" used either subcutaneously or adapted to receive and read a glucose test strip and a radio telemetry or infrared receiver.
"current patient condition parameter"	The claim term means "a recent patient condition parameter."
"means responsive to said data for recommending a second medication dispensing protocol that is responsive to said data"	The claim term is a means-plus-function limitation, the claimed function being "recommending a second medication dispensing protocol that is responsive to said data" and the corresponding structure is a controller.
"patient accessible manual set means for enabling said controller means to	The claim term is a means-plus-function limitation, the claimed function being "enabling said controller means to deliver the

deliver the medication to the patient according to a selected one of said first and second medication dispensing protocols"	medication to the patient according to a selected one of said first and second medication dispensing protocols" and the corresponding structures are control buttons, buttons 22, and a dial 42 and plunger 44.
Claim 10	
"automatically operate"	The claim term has its plain meaning.
The 798 Patent	
Claim 1	
"characteristic values," "current characteristic value," and "target characteristic values"	"Characteristic value" means "a physiological characteristic value that is particular to the user." The remaining words, "current" and "target," have their plain meaning.
"liquid"	The claim term means "a substance, such as insulin, that is active within the human body."
"an amount of fluid to be infused"	The claim term embraces amounts quantifiable in terms which can include measurements other than strictly volumetric measurements, and means "a quantity of fluid to be infused in the patient."
"bolus estimator"	The claim term means "a device that estimates the amount of liquid to be infused."
"indication device"	The claim term means "a device connected to the infusion device or in a remote, providing at least one of a visual indication, an audible indication or a tactile indication."
"externally supplied values"	The claim term has its plain meaning.
Claim 7	
"codes"	The claim term has its plain meaning.
Claim 12	
"basal rate profile"	The claim term means "a series of variable basal rates."
"processor controls"	The claim term means "the processor causes the infusion device to deliver the liquid in accordance with one of the at least two basal rate profiles."
Claim 10	
"personal delivery pattern"	The claim term means "an individual pattern of multiple infusion rates."
Claim 16	
"An external infusion device according to claim 10, wherein the selected one of the at least two personal delivery patterns repeats daily."	The claim requires that at least one of the "personal delivery patterns" is limited in duration to no more than 24 hours.

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