

United States District Court,
W.D. Missouri, Western Division.

AERO TRANSPORTATION PRODUCTS, INC,
Plaintiff.

v.

MINER ENTERPRISES, INC. and Powerbrace Corp,
Defendants.

Civil Action No. 06-0837-CV-WJTM

Sept. 11, 2007.

J. David Wharton, Victoria L. Smith, Mark McKay Iba, Stinson Morrison Hecker LLP, Kansas City, MO,
for Plaintiff.

Daniel A. Tallitsch, David I. Roche, Baker & McKenzie, LLP, Chicago, IL, George E. Leonard, Shughart
Thomson & Kilroy, PC, Kansas City, MO, for Defendants.

ORDER

JOHN T. MAUGHMER, Unites States Magistrate Judge.

The parties having presented their respective positions on issues regarding the proper construction of the claims of the patent-in-suit, i.e., U.S. Patent 6,899,038 (the '038 patent) to the Court in opening and responsive memoranda, and in oral argument on August 27, 2007, it is

ORDERED that:

1. By agreement of the parties, the term "fire," as used in the claims of the '038 patent, is a typographical error and should read "frame."
2. The term "generally square," as used in the claims of the '038 patent, refers to a discharge opening having a length and a width that approximate each other, but need not be exactly the same.
3. The term "ledgeless," as used in the claims of the '038 patent, refers to a gated discharge opening in which the gate is not supported on ledges or runners which extend inwardly of the side walls of the discharge opening.

W.D.Mo.,2007.

Aero Transp. Products, Inc. v. Miner Enterprises, Inc.

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