

United States District Court,
E.D. Pennsylvania.

GRACO CHILDREN'S PRODUCTS, INC,
Plaintiff.

v.

CHICCO USA, INC,
Defendant.

April 25, 2008.

Lynn E. Rzonca, Melissa E. Scott, Michael I. White, Ballard Spahr Andrews & Ingersoll LLP, Philadelphia, PA, for Plaintiff.

Anthony S. Volpe, John J. O'Malley, Ryan William O'Donnell, Volpe & Koenig PC, Philadelphia, PA, for Defendant.

ORDER

JAMES KNOLL GARDNER, District Judge.

NOW, this 25th day of April, 2008, upon consideration of the following documents:

- (1) Plaintiff's *Markman* Brief on the Construction of Claims 20, 21 and 26 of the '327 Patent, which brief was filed September 17, 2007;
- (2) Defendant, Chicco USA Inc.'s Memorandum in Support of the Construction of Claims 20, 21, and 26 of U.S. Patent No. 6,478,327, which memorandum was filed September 17, 2007;
- (3) Graco's Response to Chicco's *Markman* Brief, which response was filed October 1, 2007; and
- (4) Defendant, Chicco USA Inc.'s, Reply Brief to Plaintiff's *Markman* Brief on the Construction of Claims 20, 21 and 26 of the '327 Patent, which reply was filed October 1, 2007;

after oral argument held January 28, 2008; and for the reasons expressed in the accompanying Memorandum,

IT IS ORDERED that the disputed terms in Claims 20, 21, and 26 of U.S. Patent No. 6,478,327 are construed as follows:

- (1) "left and right hinge locks fixedly mounted respectively to the rear left and right legs" for purposes of Claims 20 and 26 means "any two conventional hinge locks capable of maintaining a locked position between the stroller's rear legs and the handlebar frame when locked, and allowing pivotal motion

therebetween when unlocked. The right and left hinge locks must be securely attached to the rear right and left legs, respectively."

(2) "a handlebar frame pivotally connected to the left and right hinge locks" for purposes of Claims 20 and 26 means "a generally U-shaped handlebar frame comprised of a handlebar and right and left push arms extending from the handlebar. The ends of the right and left push arms are attached to the left and right hinge locks, respectively, so that the arms can move relative to the hinge locks."

(3) "a one-hand actuator for unlocking the left and right hinge locks mounted to the upper tray" for purposes of Claim 20 means "a handle mounted to the upper tray for movement by one hand to unlock the left and right hinge locks".

(4) "the upper tray being connected to the left and right pivot assemblies" for purposes of Claim 21 shall be construed in accordance with its plain and ordinary meaning, and no special construction is required.

(5) "the upper tray having at least one container holding compartment and an opening for inserting operator's fingers" for purposes of Claim 26 means that "the upper tray has at least one area for holding a container and an opening through which the user may insert his or her fingers."

(6) "a one-hand actuator, mounted to an underside of the upper tray" for purposes of Claim 26 means "a handle for movement by one hand, which handle is mounted to the lower surface of the upper tray"; and

(7) "the actuator being mounted for movement between an actuated position and an un-actuated position" for purposes of Claim 26 means "a handle mounted for movement between a position which releases the hinge locks and a position which allows the hinge locks to remain locked".

E.D.Pa.,2008.

Graco Children's Products, Inc. v. Chicco USA, Inc.

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