

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ZIMMER SURGICAL, INC. and
DORNOCH MEDICAL SYSTEMS, INC.,

Plaintiffs,

v.

STRYKER CORPORATION and
STRYKER SALES CORPORATION,

Defendants and
Counterclaim Plaintiffs,

v.

ZIMMER, INC., ZIMMER SURGICAL,
INC., ZIMMER U.S., INC., and DORNOCH
MEDICAL SYSTEMS, INC.,

Counterclaim
Defendants.

C.A. No. 16-679-RGA-MPT

PROPOSED CLAIM CONSTRUCTION ORDER


After having considered the submissions of the parties and having heard oral argument on the matter, IT IS HEREBY ORDERED that the following terms, as used in the asserted claims of U.S. Patent Nos. RE44,920 and 9,579,428, have the following meanings:

U.S. Patent No. RE44,920	
Claim Element	Court's Construction
"a system for handling waste fluid from a patient"	The claim preamble does not serve as a limitation on the claim
"at least one of the suction ports being [is] configured to provide at least two different levels of suction"	Plain and ordinary meaning; "at least one of the suction ports is arranged within the system to provide at least two levels of suction"
Waste fluid disposal unit including: "first portion coupleable to the flushing portion of the waste fluid collection cart" and "second portion coupleable to the drain portion of the waste fluid collection cart"	Plain and ordinary meaning

U.S. Patent No. RE44,920	
Claim Element	Court's Construction
<p>“a level of suction at one of the suction ports being independently adjustable of a level of suction at another of the suction ports”;</p> <p>“a level of vacuum in one of the at least two containers is controllable independently from a level of vacuum in another of the at least two containers”</p>	<p>Plain and ordinary meaning</p>

U.S. Patent No. 9,579,428	
Claim Element	Court's Construction
<p>“distal end” / “proximal end”</p>	<p>Plain and ordinary meaning. Distal refers to what is closest to the surgical site. Proximal refers to what is furthest away from the surgical site.</p>
<p>“a manifold having . . . an outlet opening” (Claim 23);</p> <p>“manifold including: . . . an outlet opening at the proximal end” (Claim 1 and 14)</p>	<p>Claim 23: Plain and ordinary meaning: “a manifold having . . . an opening where material can exit”;</p> <p>Claim 1 and 14: “manifold including . . . an opening at the proximal end where material can exit”</p>
<p>“. . . the outlet opening of [said manifold housing / the manifold] is in a first rotational position about the axis through the receiver bore and, when [said manifold housing / the manifold] is rotated in the bore, the outlet opening is in a second rotational position about the axis through the receiver bore so that the outlet opening is located below the position of the outlet opening when the outlet opening is in the first rotational position”</p>	<p>“. . . the outlet opening is initially in a first position about the axis through the bore. When the [manifold housing / manifold] is rotated in the bore, the outlet opening is in a second position about the axis so that it is located beneath the position of the opening when it was in the first position.”</p>
<p>“a fluid communications path from the receiver bore into said first canister”;</p> <p>“a fluid communications path from the bore of said first receiver into said first canister”</p>	<p>Plain and ordinary meaning; “a path for conveying fluid from the receiver bore into the first canister”</p>

SO ORDERED this 26 day of June, 2018.


HONORABLE RICHARD G. ANDREWS
UNITED STATES DISTRICT JUDGE