# FEDERAL CIRCUIT PATENT LAW CASE UPDATE

Dorel Juvenile Group, Inc. v. Graco Children's Prods., Inc., 05-1026 (Fed. Cir. Nov. 7, 2005) (Clevenger, J.)

The court vacated the summary judgment determination that Graco's juvenile car seat did not infringe Dorel's patents to juvenile car seats with retractable cup holders. The court affirmed the claim construction for a "removable" seat that detaches from a base, but found lacking the district court's application of the claim meaning to Graco's accused device. Judge Newman dissented, arguing that the Graco device clearly did not infringe, and that the majority should not remand the case for that issue.

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Dorel is the exclusive licensee of U.S. Pat. Nos. 6,550,862 and 6,612,649, "both directed to a child's car seat assembly having a retractable cup holder." The claims recite a seat removably secured or attached to a base.

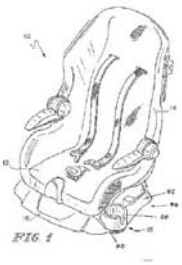
> Graco's accused seat consists of two plastic parts. The top portion provides a relatively flat surface for a child to sit on, and the bottom portion is a structure upon which the top portion fits. The two parts are firmly held together by screws. In one iteration of the accused product, the screws are of the ordinary variety, removable with ease by use of a common screwdriver. In another iteration of the accused product, Graco uses so-called "one-way" screws. A one-way screw can be "screwed down" with an ordinary screwdriver, but a different type of screwdriver is required to loosen and remove the tightened screw. Ordinary screwdrivers and one-way screwdrivers can be purchased in hardware stores, among other places.

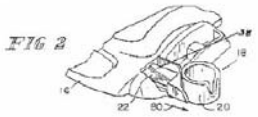
The court agreed with the district court's construction for the "removable" limitations.

> The seat and base can be separated "in a manner that contemplates that the seat may be removed from the base such that the seat remains functional."

The construction, however, did not require ease of separation during normal use. The court did not follow the district court's approach to apply the claim meaning to the accused devices.

> We, however, take issue with the district court's conclusion, on cross-motions for summary judgment, that the accused Graco juvenile car seat cannot infringe as a matter of law because it lacks a seat separate from a base and, at most, includes a base that is integral to the seat.




The court determined that there were outstanding questions of fact about the Graco device, and thus vacated the judgment.

Judge Newman dissented.

> The Graco carseat is a permanent assembly whose molded parts are permanently screwed together with six "one-way" screws. Upon unscrewing and disassembly, the Graco seat becomes a collection of loose parts, the cup holder incapable of its function of supporting a cup. The Graco carseat is clearly not a base and seat assembly as in the Dorel patents, whereby the seat can be reversibly slipped from its mooring to carry its infant passenger. Removal of the top part of the Graco carseat (for example, to carry the infant into grandma's house), would require removing the upholstery, upending the carseat (requiring removal of the entire assembly from its crash-proof installation), and removing the six unremovable screws with the special tool needed for removing unremovable screws -- and then repeating the operation in reverse upon returning to the car with the top part and its infant cargo. The panel majority's redefinition of the patented invention to cover such a carseat is devoid of support.

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