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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

GENE POOL TECHNOLOGIES,
INC.,

Plaintiff,

v.

COASTAL HARVEST, LLC.,

Defendant.

COASTAL HARVEST, LLC.,

Counterclaimant,

v.

GENE POOL TECHNOLOGIES,
INC.,

Counterdefendant.

GENE POOL TECHNOLOGIES,
INC.,

Plaintiff,

v.

ANM, INC.,

Defendant.

Case Nos. 5:21-cv-01328-JWH-SHK
(Lead Case);
2:21-cv-08756-JWH-SHK (Member
Case)

**CLAIM CONSTRUCTION ORDER
[ECF Nos. 45, 46, 48, & 51]**

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ANM, INC.,
Counterclaimant,
v.
GENE POOL TECHNOLOGIES,
INC.,
Counterdefendant.

I. INTRODUCTION

Plaintiff and Counterdefendant Gene Pool Technologies, Inc. is the assignee of the five patents at issue in this consolidated case: U.S. Patent Nos. 9,144,751 (the “’751 Patent”); 9,145,532 (the “’532 Patent”); 9,587,203 (the “’203 Patent”); 9,604,155 (the “’155 Patent”); and 9,757,664 (the “’664 Patent”) (collectively, the “Asserted Patents”). Gene Pool accuses Defendant and Counterclaimant Coastal Harvest, LLC of infringing the ’751 Patent, the ’532 Patent, and the ’203 Patent. Gene Pool accuses Defendant and Counterclaimant ANM, Inc. of infringing all of the Asserted Patents.

Before the Court for resolution is the parties’ dispute regarding the construction of eight claim limitations in the ’715, ’532, ’203, and ’155 Patents. The Court carefully reviewed the parties’ respective claim construction briefs and supporting materials and conducted a claim construction hearing in May 2022.¹

For the reasons explained below, the Court construes the disputed claim limitations as follows:

Limitation	Construction
“support” (’751 Patent, Cls. 13 & 20; ’532 Patent, Cl. 9)	“bear all or part of the weight of”
“canister interface” (’751 Patent, Cls. 13, 14, & 20)	Not governed by § 112(f). No construction.
“detachable canister interface” (’532 Patent, Cl. 9)	Not governed by § 112(f). No construction.

¹ In reaching its decision, the Court considered the documents of record in this case, including the following: the ’751 Patent; the ’532 Patent; the ’203 Patent; the ’155 Patent; the ’664 Patent; Gene Pool’s Opening Claim Constr. Br. (“Pl.’s OB”) [ECF No. 46] and its exhibits; Defendants’ Opening Claim Constr. Br. (“Def.’ OB”) [ECF No. 45] and its exhibits; Gene Pool’s Resp. Claim Constr. Br. (“Pl.’s RB”) [ECF No. 51]; Defendants’ Resp. Claim Constr. Br. (“Def.’ RB”) [ECF No. 48] and its exhibits; and the Joint Claim Constr. Statement [ECF No. 37]. All citations refer to the lead case unless otherwise stated.

Limitation	Construction
“cooling mechanism” (’203 Patent, Cls. 9 & 10)	Not governed by § 112(f). No construction.
“heating element” (’751 Patent, Cls. 13 & 17)	No construction.
“coolant” (’751 Patent, Cl. 17)	No construction.
“solvent collection container” (’751 Patent, Cl. 17; ’532 Patent, Cls. 14 & 15; ’203 Patent, Cls. 1, 8, & 18)	No construction.
“fluid coupling” (’155 Patent, Cl. 3)	No construction.

II. TECHNOLOGICAL BACKGROUND

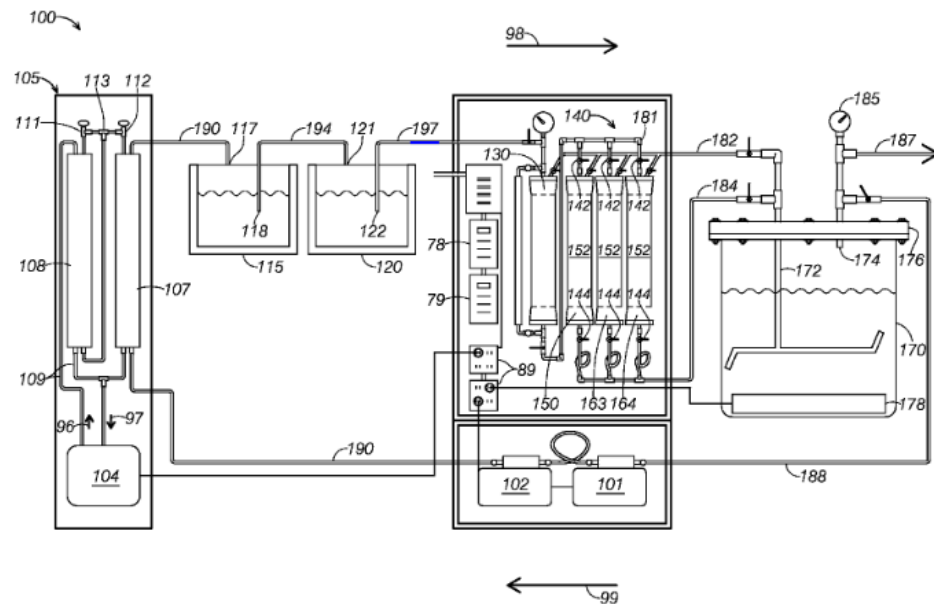
A. The ’751 Patent

The ’751 Patent, titled “Systems for Extracting Solute from a Source Material,” “relates generally to systems for extracting solute from source materials” and, “[i]n particular, systems configured to extract essential oils from solid materials.”² The inventions claimed in ’751 Patent sought to improve on prior art systems that were “unable to simultaneously extract solute from materials stored in a plurality of distinct containers” and, instead, could only “extract solute from a single container of source material.”³ Because of their single-container design, old systems created “a bottleneck”—*i.e.*, the user had to wait for extraction to finish before turning to another task.⁴ The claimed system introduced “parallelism to overcome such bottlenecks.”⁵ The claimed system also “allow[s] extraction to be performed in a single, closed loop process that reclaims solvent and re-introduces the reclaimed solvent in subsequent

² See ’751 Patent [ECF No. 1-1] at 1:6-8.
³ *Id.* at 1:12-17.
⁴ *Id.* at 1:18-21.
⁵ *Id.* at 1:23-24.

1 cycles of the system.”⁶ Thus, to promote efficiency and extract purity, the
2 ’751 Patent discloses “a closed loop [system] with an at least partially automated
3 means for reclaiming and reintroducing solvent used in previous iterations of
4 extracting solute from a source material.”⁷ Further, to promote the easy storage
5 of reclaimed solvent, the disclosed system provides for “cooling [the] reclaimed
6 solvent to a liquid state prior to collecting it.”⁸

7 Generally, the claimed system for extracting solute from source material
8 includes solvent source containers, source material cannisters in fluid
9 communication with the solvent cannisters, extract containers, heating
10 elements, and solvent collection containers.⁹ This system is depicted in
11 Figure 1:



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23 To that end, Claim 1 of the ’751 Patent discloses:

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26 ⁶ *Id.* at 1:26-28.
27 ⁷ *Id.* at 1:39-44.
28 ⁸ *Id.* at 1:48-50.
⁹ *See id.* at 1:60-2:3.

1 A system for extracting essential oil from a plant material, the
2 system comprising:
3 a solvent source container configured to store a solvent;
4 a canister being:
5 in fluid communication with the solvent source
6 container;
7 configured to contain the plant material; and
8 configured to receive solvent from the solvent container
9 in its interior to produce an extract solution
10 having the solvent and the essential oil extracted
11 from the plant material;
12 an extract container in fluid communication with the canister,
13 the extract container being configured to fluidly receive
14 and collect the extract solution from the canister; and
15 a heating element thermally coupled with the extract
16 container and configured to heat the extract container
17 to a distilling temperature, the distilling temperature
18 being greater than or equal to a boiling point of the
19 solvent and below a boiling point of the essential oil to
20 produce a post-extraction portion of the essential oil in
21 the extract container,
22 wherein the solvent source container is in fluid
23 communication with the extract container.¹⁰

24 **B. The '532 Patent and the '203 Patent**

25 The '532 Patent and '203 Patent, both titled “Methods for Extracting
26 Solute from a Source Material,” are related method patents that share a nearly
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28 ¹⁰ See *id.* at Claim 1 17:8-31.

1 identical specification with the '751 Patent. The '532 Patent discloses related
2 “[m]ethods for extracting solute from source material, including depositing the
3 source material including solute in canisters, introducing solvent into the
4 canisters, exposing the source materials to the solvents for predetermined
5 periods of time to create extract mixtures including extracted solute and
6 recycled solvent, communicating, fluidly, the extract mixtures to an extract
7 container.”¹¹ The '203 Patent discloses related “[m]ethods for extracting solute
8 from a source material,” including “depositing the source material in a canister,
9 introducing a solvent, exposing the source material to the solvent to create an
10 extract mixture, communicating the extract mixture to one or more extract
11 containers, separating the solute from the extract mixture by heating the extract
12 containers, collecting the recycled solvent in a solvent collection container, and
13 cooling the recycled solvent within the solvent collection container.”¹²

14 **C. The '155 Patent**

15 The '155 Patent, titled “Plant Oil Extraction,” “relates to plant oil
16 extraction, and more specifically to the extraction of plant oil from plant
17 material.”¹³ The specification discloses that the patented process “uses the
18 energy from a change of temperature to extract the plant oil from the organic
19 material while recapturing a solvent that is used to ‘pull’ the oil out of the
20 organic material so that it may be reused.”¹⁴ Figure 1 of the '155 Patent “shows
21 a tabletop plant oil extractor”:¹⁵

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25 ¹¹ See '532 Patent at Abstract [ECF No. 1-2].

26 ¹² See '203 Patent at Abstract [ECF No. 1-3].

27 ¹³ See '155 Patent [*Gene Pool Technologies, Inc. v. ANM, Inc.*,
No. 2:21-cv-08756, ECF No. 1-4] 1:11–13.

28 ¹⁴ *Id.* at 3:16–21.

¹⁵ *Id.* at 1:42, Fig. 1.

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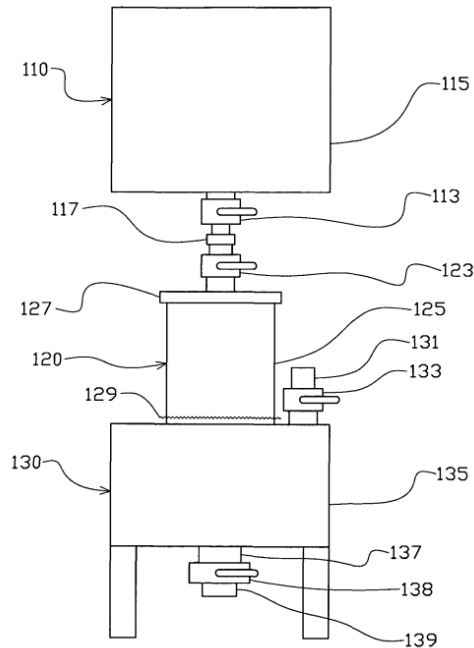


Fig 1

The plant oil extractor depicted includes “a storage zone 110 which comprises a first tank 115,” “a first valve 113,” “a quick disconnect fluid coupling 117,” “a second ball valve 123,” “a removable cap 127,” “an extraction zone 120 comprising a chamber 125,” “a filter 129,” “a separation zone 130 compris[ing] the second tank 135,” “a second safety quick disconnect coupling 131,” “a third ball valve 133,” “a collection column 137 connected to a fourth ball valve 138, and a drainage pipe 139.”¹⁶

To that end, Claim 1 of the '155 Patent discloses:

A system for extracting compounds from a compound-bearing material, comprising:

a first tank adapted to store a solvent;

¹⁶ *Id.* at 3:26–67.

1 an extraction chamber having a top, a bottom, and a hollow
2 expanse between the top and the bottom adapted to
3 hold the compound-bearing material, wherein the
4 extraction chamber comprises a fluid inlet through the
5 top, and wherein said fluid inlet is in fluid
6 communication with an outlet from the first tank; and
7 a second tank adapted to store the solvent; wherein the second
8 tank is removably coupled to the extraction chamber;
9 a recapture line providing a fluid pathway between the second
10 tank and the first tank that does not extend through the
11 extraction chamber; and
12 a heating element in thermal communication with the second
13 tank providing for heating of the second tank to
14 evaporate the solvent and force the solvent to be
15 transported in a vapor phase from the second tank to
16 the first tank.¹⁷

17 III. LEGAL STANDARDS

18 The task of claim construction involves determining the meaning of a
19 word or a group of words—which is known as a “limitation”—in a patent claim.
20 Claim construction “‘is simply a way of elaborating the normally terse claim
21 language in order to understand and explain, but not to change, the scope of the
22 claims.’” *Gart v. Logitech, Inc.*, 254 F.3d 1334, 1339 (Fed. Cir. 2001) (quoting
23 *Embrex, Inc. v. Serv. Eng’g Corp.*, 216 F.3d 1343, 1347 (Fed. Cir. 2000)).
24 Construing the meaning of patent claims is an issue for the Court to decide as a
25 matter of law. *Markman v. Westview Instr., Inc.*, 517 U.S. 370, 387-91 (1996).
26 “When the parties present a fundamental dispute regarding the scope of a claim
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28 ¹⁷ *Id.* at 7:31–50.

1 term, it is the court’s duty to resolve it.” *O2 Micro Intern. Ltd. v. Beyond*
2 *Innovation Tech. Co., Ltd.*, 521 F.3d 1351, 1362 (Fed. Cir. 2008).

3 “It is a ‘bedrock principle’ of patent law that ‘the claims of a patent
4 define the invention to which the patentee is entitled the right to exclude.’”
5 *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (quoting
6 *Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc.*, 381 F.3d 1111, 1115
7 (Fed. Cir. 2004)). The task of claim construction always begins with the claim
8 language. *Innova*, 381 F.3d at 1116. Indeed, “the proper construction of any
9 claim language must, among other things, ‘stay[] true to the claim language.’”
10 *Straight Path IP Group v. Sipnet EU S.R.O.*, 806 F.3d 1356, 1361 (Fed. Cir. 2015)
11 (quoting *Renishaw PLC v. Marposs Societa’ per Azioni*, 158 F.3d 1243, 1250
12 (Fed. Cir. 1998)). Claim terms “are generally given their ordinary and
13 customary meaning,” *Phillips*, 415 F.3d at 1312 (quoting *Vitronics Corp. v.*
14 *Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)), which is “the meaning
15 that the term would have to a person of ordinary skill in the art,” *Phillips*, 415
16 F.3d at 1313. The terms must be read in the context of the entire patent,
17 however. *Id.* at 1314. In interpreting a claim, the Court must focus primarily on
18 the intrinsic evidence of record, including the claims themselves, the
19 specification, and, if in evidence, the prosecution history. *See id.* at 1312-20; *see*
20 *also Medrad, Inc. v. MRI Devices Corp.*, 401 F.3d 1313, 1319 (Fed. Cir. 2005).

21 Among the intrinsic evidence, the “specification is always highly relevant
22 to the claim construction analysis. Usually it is dispositive; it is the single best
23 guide to the meaning of a disputed term.” *Vitronics*, 90 F.3d at 1582. “The
24 specification is, thus, the primary basis for construing the claims.” *Standard Oil*
25 *Co. v. Am. Cyanamid Co.*, 774 F.2d 448, 452 (Fed. Cir. 1985). It is “entirely
26 appropriate for a court, when conducting claim construction, to rely heavily on
27 the written description for guidance as to the meaning of the claims.” *Phillips*,
28 415 F.3d at 1317. The Federal Circuit has recognized that an inventor may

1 invoke a particular definition of a term in her specification, or otherwise use a
2 term in the specification in a manner that differs from the term’s ordinary usage.
3 *Id.* at 1316. “In such cases, the inventor’s lexicography governs.” *Id.*

4 In addition to the specification, the Court should also consider the
5 prosecution history (if it is in evidence), consisting of “the complete record” of
6 the patent. *Id.* If, within the prosecution history, a patentee clearly and
7 unmistakably disavowed a claim construction, then the patentee disclaimed that
8 construction. *See SanDisk Corp. v. Memorex Prods., Inc.*, 415 F.3d 1278, 1287
9 (Fed. Cir. 2005); *Omega Eng’g, Inc. v. Raytek Corp.*, 334 F.3d 1314, 1324
10 (Fed. Cir. 2003). Because the prosecution history often lacks the clarity of the
11 specification, however, it is less useful for claim interpretation purposes. *See*
12 *Phillips*, 415 F.3d at 1317.

13 Although the Court may also consider extrinsic evidence, including expert
14 testimony, dictionaries, and learned treatises, such evidence is generally viewed
15 as less reliable than intrinsic evidence. *See id.* at 1317-18. Therefore, the Court
16 must use its discretion in admitting and weighing extrinsic evidence, keeping in
17 mind the inherent flaws in that type of evidence. *See id.* at 1319.

18 IV. AGREED UPON CLAIM CONSTRUCTION

19 The parties have agreed to the following construction:¹⁸

Limitation:	Parties’ Agreed Construction:
“predetermined period of time” (’532 Patent, Claims 8 & 14)	“period of time determined in advance”

23 The Court accepts the parties’ agreed construction, which will bind them. *See*
24 *MyMail, Ltd. v. Am. Online, Inc.*, 476 F.3d 1372, 1377-78 (Fed. Cir. 2007)
25 (rejecting an appellate challenge to a claim construction agreed to by a party in
26 district court).

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28 ¹⁸ *See* First Am. Joint Claim Construction and Prehearing Statement [ECF
No. 43] 1.

1 **V. ANALYSIS OF DISPUTED CLAIM LIMITATIONS**

2 **A. Meaning of “Support”**

3 Limitation at Issue:	
4 “support” (’751 Patent, Claims 13 & 20; ’532 Patent, Claim 9)	
5 Gene Pool’s Proposed Construction	6 Defendants’ Proposed Construction
7 “hold up, prop up, or bear all or part of the weight of”	8 “bear all or part of the weight of”

9 The parties do not appear to have a material dispute regarding the
10 construction of the limitation “support.” They agree that the term “support”
11 should be construed to have its plain and ordinary meaning, which the parties
12 agree includes “bear[ing] all or part of the weight of.” Gene Pool insists that the
13 proper construction of the term “support” also includes the language “hold
14 up” and “prop up,” but it does not explain why that additional language is
15 necessary. Defendants do not contend that the term “support” *cannot* include
16 “holding up” or “propping up,” but they assert that the language is redundant
17 and that it adds ambiguity. The Court agrees with Defendants that the language
18 is unnecessary.

19 Accordingly, the Court construes the term “support” to mean “bear all
20 or part of the weight of.”

21 **B. Meaning of “Canister Interface” and “Detachable Canister Interface”**

22 The Court analyzes these interrelated limitations together.

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1	Limitation at Issue:	
2	“canister interface” (’751 Patent, Claims 13, 14, & 20);	
3	“detachable canister interface” (’532 Patent, Claim 9)	
4	Gene Pool’s Proposed Construction	Defendants’ Proposed Construction
5	“canister interface”	“canister interface”
6	1. Not governed by 35 U.S.C. § 112(f);	1. Governed by 35 U.S.C. § 112(f).
7	and	Function:
8	2. Plain and ordinary meaning.	“to removably support the canister in fluid communication with the solvent source container and the extract container and configured to detachably support a supplemental canister in fluid communication with the solvent source container and extract container”
9		Structure:
10		For each canister, a conically shaped upper canister attachment device 153, a conically shaped lower canister attachment device 159, two handles 155, and two conically shaped gaskets 157 (as shown in Fig. 2); or
11		2. For each canister, a conically shaped top canister portion 153, a conically shaped bottom canister portion 159, two handles 155, and two conically shaped gaskets 157 (as shown in Fig. 2).
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20	“detachable canister interface”	“detachable canister interface”
21	1. Not governed by 35 U.S.C. § 112(f);	1. Governed by 35 U.S.C. § 112(f).
22	and	Function:
23	2. Plain and ordinary meaning.	“to receive the canister to support the canister in fluid communication with a solvent source container; and selectively release the canister when the detachable canister interface is manipulated by a user”
24		Structure:
25		For each canister, a conically shaped upper canister attachment device 153, a conically shaped lower canister
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1	attachment device 159, two handles 155,
2	and two conically shaped gaskets 157 (as
3	shown in Fig. 2); or
4	2. For each canister, a conically shaped
5	top canister portion 153, a conically
6	shaped bottom canister portion 159, two
7	handles 155, and two conically shaped
8	gaskets 157 (as shown in Fig. 2).

7 For both terms, the parties dispute whether the term “canister interface”
8 is governed by 35 U.S.C. § 112(f). Patentees may “express a claim limitation by
9 reciting a function to be performed rather than by reciting structure for
10 performing that function,” but if they choose to do so, § 112(f) applies and the
11 claim limitation is construed as covering “only the structure, materials, or acts
12 described in the specification as corresponding to the claimed function and
13 equivalents thereof.” *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1347
14 (Fed. Cir. 2015). Against this backdrop, the parties’ dispute over this limitation
15 requires the Court to determine “whether the words of the claim are understood
16 by persons of ordinary skill in the art to have a sufficiently definite meaning as
17 the name for structure.” *Id.* at 1349.

18 Although this limitation does not use the word “means,” Defendants
19 seek to overcome the rebuttable presumption that § 112(f) is inapplicable by
20 showing that “the claim term fails to recite sufficiently definite structure or else
21 recites function without reciting sufficient structure for performing that
22 function.” *Id.* (quotation marks omitted).¹⁹ The Court is not persuaded.

23 The intrinsic evidence shows that the terms recite sufficiently definite
24 structure. Claims 12, 13, and 20 of the ’751 Patent all recite that the “canister
25 interface” “support[s]” a “canister” “in fluid communication with the solvent
26 source container and extract container.” Similarly, Claim 9 of the ’532 Patent

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28 ¹⁹ Defs.’ OB 6:23–7:5.

1 recites that the “detachable canister interface” is used to “removably and
2 fluidly attach[] the canister to an extract container” and “a solvent source
3 container.” Claim 14 of the ’751 Patent adds that the “canister interface” of
4 Claim 13 includes “an input valve” and “output valve,” which control how
5 much fluid enters and leaves the “canister.” In each instance, the claim
6 language suggests that the term “canister interface” is a structural component
7 connecting the “canister” with the “source container” and “extract container”
8 and allowing fluid to pass therebetween.

9 The specifications also show that the term “canister interface” has a
10 sufficiently definite structure. The specifications of the ’751 and ’532 Patents
11 disclose the same limitations as found in the claims regarding the “canister
12 interface.”²⁰ The specifications also disclose that an example of a “detachable
13 canister interface” as claimed is depicted in Figure 1 of the ’751 and
14 ’532 Patents.²¹ As seen in Figure 1, reproduced above in the technological
15 background section, the two patents disclose that detachable canisters **150, 163,**
16 **and 164** “are placed in fluid communication with solvent source container **120**
17 **and extract container 170** when attached.”²²

18 The specifications further disclose that Figure 1 depicts “detachable
19 canister system **140**,” which “includes an output valve associated with each
20 detachable canister” that when opened places the “canister” “in fluid
21 communication with extract mixture line **184**” leading to “extract
22 container **170**.”²³ Similarly, the specifications disclose that “detachable canister
23 system **140**” includes an “input valve associated with each detachable canister”
24 that when opened places the “canister” in fluid communication via “detachable
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26 ²⁰ See ’751 Patent 11:61–12:10; ’532 Patent 12:17–33.

27 ²¹ See ’751 Patent 12:1–5; ’532 Patent 12:22–28.

28 ²² See *id.*; see also ’751 Patent, Fig. 1; ’532 Patent, Fig. 1.

²³ See ’751 Patent 5:9–16; ’532 Patent 5:27–34.

1 canister line 181” with “solvent compressor 130” and “solvent source
2 container 120.”²⁴ Although neither valve is labeled in Figure 1, the
3 specifications suggest that the “canister interface” is both the top and bottom
4 portion of the canister that connects the “canister” with the “extract
5 container” and “solvent source container.”

6 Defendants also argue that the Court should construe the terms “canister
7 interface” and “detachable canister interface” to mean “[f]or each canister, a
8 conically shaped top canister portion 153, a conically shaped bottom canister
9 portion 159, two handles 155, and two conically shaped gaskets 157 (as shown in
10 Fig. 2).” Defendants’ proposed construction comes from the exemplary
11 embodiment of the “canister interface” depicted in Figure 2 of the ’751 and
12 ’532 Patents, which includes “an upper canister attachment device 153,”
13 “lower canister attachment device 159,” “handles 155,” and “compressible,
14 fluid tight gaskets 157.”²⁵ Figure 2 depicts “*an example* of a detachable canister
15 included in the system shown in FIG. 1.”²⁶ Nothing in the intrinsic evidence
16 suggests that the “canister interface” is limited to that embodiment.

17 Accordingly, the Court construes the terms “canister interface” and
18 “detachable canister interface” to not be governed by § 112(f). No further
19 construction is required.

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26 ²⁴ See ’751 Patent 4:61–5:2; ’532 Patent 5:11–20.

27 ²⁵ See ’751 Patent 6:6–23; ’532 Patent 6:25–43.

28 ²⁶ See ’751 Patent 2:19–20 (emphasis added); ’532 Patent 2:26–37 (emphasis added).

1 **C. Meaning of “Cooling Mechanism”**

Limitation at Issue:	
“cooling mechanism” (’203 Patent, Claims 9 & 10)	
Gene Pool’s Proposed Construction	Defendants’ Proposed Construction
5 1. Not governed by 35 U.S.C. § 112(f); 6 and 7 2. Plain and ordinary meaning.	5 1. Governed by 35 U.S.C. § 112(f). 6 Function: “cooling the recycled solvent” 8 Structure: “a chamber 702 surrounding the solvent 9 source container 618 which is enclosed 10 by a plurality of coiled freezing tubes 704 11 that are coupled to a compressor 12 pump 706 via an intake line 708 coupled 13 to an intake manifold 714, an expansion valve 710, and an outtake tube 712 coupled to an exhaust manifold 716.”

14 The Court finds that the term “cooling mechanism” is not governed by
 15 § 112(f) and construes the term to have its plain and ordinary meaning. Claim 1
 16 of the ’203 Patent recites, *inter alia*, “collecting the recycled solvent in a solvent
 17 collection container in fluid communication with the one or more extract
 18 containers; and cooling the recycled solvent within the solvent collection
 19 container.” Claim 9, which depends from Claim 1, recites “wherein the solvent
 20 storage container further comprises a cooling mechanism coupled to the solvent
 21 storage container for cooling the recycled solvent.” Claim 10, which depends
 22 from Claim 9, recites “wherein the cooling mechanism comprises a coiled
 23 freezing tube fluidly coupled to a compressor pump and configured to receive a
 24 coolant.” The parties dispute whether the term “cooling mechanism” is
 25 governed by § 112(f). Specifically, Defendants assert that “§ 112(f) applies to
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1 the ‘cooling mechanism’ recited in [C]laim 9,” but not Claim 10.²⁷ The Court is
2 not convinced.

3 First, the language of Claim 9 suggests that the term “cooling
4 mechanism” is sufficiently structural. Specifically, Claim 9 recites that the
5 “cooling mechanism” is “coupled to the solvent storage container” and
6 “cool[s] the recycled solvent” in the “solvent storage container.” The
7 relationship between the “cooling mechanism” and the other recited structural
8 elements suggests that the “cooling mechanism” is also structural.

9 Second, dependent Claim 10 also suggests that § 112(f) does not govern.
10 “Indeed, [it] ‘add[s] limitations that either describe particular structural
11 features or flesh out whether the term has a particular structural meaning.’”
12 *TEK Global, S.R.L. v. Sealant Sys. Int’l*, 920 F.3d 777, 786 (Fed. Cir. 2019)
13 (citing *Diebold Nixdorf, Inc. v. ITC*, 899 F.3d 1291, 1298 (Fed. Cir. 2018)).
14 Defendants concede that the term “cooling mechanism” as used in Claim 10 is
15 structural.²⁸ The strong presumption that terms have the same meaning across
16 different claims in the patent also leads the Court to conclude that the term
17 “cooling mechanism” is structural. *See In re Varma v. IBM Corp.*, 816 F.3d
18 1352, 1363 (Fed. Cir. 2016) (“the principle that the same phrase in different
19 claims of the same patent should have the same meaning is a strong one,
20 overcome only if ‘it is clear’ that the same phrase has different meanings in
21 different claims” (quoting *Fin Control Sys. Pty, Ltd. v. OAM, Inc.*, 265 F.3d 1311,
22 1318 (Fed. Cir. 2001))).

23 Finally, the specification suggests that the term “cooling mechanism”
24 connotes sufficient structure to a person of ordinary skill in the art. The
25 specification discloses an example of a “cooling mechanism” depicted in
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27 ²⁷ Defs.’ OB 16:18–22, 17:10–11.

28 ²⁸ *See id.*

1 Figures 10 and 11 with a “chamber 702,” “freezing tubes 704,” and other
2 features.²⁹ From that disclosure, a person of ordinary skill would understand the
3 claimed “cooling mechanism” to be a particular kind of device rather than any
4 means for cooling.

5 **D. Meaning of “Heating Element”**

6 Limitation at Issue:	
7 “heating element” (’751 Patent, Claims 13 & 17)	
8 Gene Pool’s Proposed Construction	Defendants’ Proposed Construction
9 Plain and ordinary meaning.	10 “electrically powered heating pad rated at 500 Watts”

11 The Court construes the term “heating element” to have its plain and
12 ordinary meaning. Defendants assert that the term “heating element” means
13 “electrically powered heating pad rated at 500 Watts” as expressly defined in
14 the specification. The Court disagrees. The specification of the ’751 Patent
15 discloses that “heating element 178” in Figure 1 “defines an electrically
16 powered heating pad rated at 500 Watts.”³⁰ The Court does not read the word
17 “defines” in that sentence to establish a definition for the words “heating
18 element”; rather, it means that in the exemplary embodiment of Figure 1, the
19 “heating element” is “an electrically powered heating pad rated at 500 Watts.”
20 The intrinsic evidence does not otherwise suggest that the limitations in Figure 1
21 define the scope of the term “heating pad.”

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²⁹ See ’203 Patent 20:20–48.

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³⁰ ’751 Patent 8:4–5.

1 **E. Meaning of “Coolant”**

2 Limitation at Issue:	
3 “coolant” (’751 Patent, Claim 17; ’532 Patent, Claim 9; ’203 Patent, Claim 10)	
4 Gene Pool’s Proposed Construction	4 Defendants’ Proposed Construction
5 Plain and ordinary meaning.	5 “refrigerant”

6
7 The Court construes the term “coolant” to have its plain and ordinary
8 meaning. Like the term “heating element,” Defendants assert that the term
9 “coolant” means “refrigerant” as expressly defined in the specification. The
10 Court disagrees. The specifications of the ’751, 532, and ’203 Patents disclose
11 that “coolant lines 109” in Figure 1 “includes a coolant defining a refrigerant
12 selected to cool when evaporated.”³¹ The Court does not read the word
13 “defining” in that sentence to set a definition for the word “coolant”; rather, it
14 means that in the exemplary embodiment of Figure 1, the “coolant” is “a
15 refrigerant selected to cool when evaporated.” The intrinsic evidence does not
16 otherwise suggest that the limitations in Figure 1 define the scope of the term
17 “coolant.” Defendants assert that “only a ‘refrigerant’ would have ‘a
18 predetermined condensing temperature selected to condense the post-extraction
19 portion of the solvent to a liquid,’ as recited in [C]laim 17 of the ‘751 [P]atent,”
20 but they provide no evidentiary support.³² Defendants also contend that the
21 intrinsic evidence shows that the term “coolant” does not include “water,” but
22 that does not confirm that the term should be limited to a “refrigerant.”³³

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³¹ ’751 Patent 9:6–7; ’532 Patent 9:29–30; ’203 Patent 9:35–36.

³² See Defs.’ OB 20:11–17.

³³ See *id.* at 19:23–20:10.

1 **F. Meaning of “Solvent Collection Container”**

Limitation at Issue:	
“solvent collection container” (’751 Patent, Claim 17)	
Gene Pool’s Proposed Construction	Defendants’ Proposed Construction
Plain and ordinary meaning.	“a container distinct from the solvent source container”

7 Claim 17 of the ’751 Patent recites, *inter alia*, “a solvent source container
 8 configured to store a solvent” and “a solvent collection container in fluid
 9 communication with the extract container and in fluid communication with the
 10 solvent source container.” Defendants assert that the “solvent source
 11 container” and “solvent collection container” must be different containers.
 12 The Court is not persuaded.

13 Courts should construe the claims with an eye to giving every term
 14 meaning. *See, e.g., Cat Tech LLC v. TubeMaster, Inc.*, 528 F.3d 871, 885
 15 (Fed. Cir. 2008) (refusing to adopt a claim construction which would render a
 16 claim limitation meaningless); *Bicon, Inc. v. Straumann Co.*, 441 F.3d 945, 950
 17 (Fed. Cir. 2006) (explaining that “claims are interpreted with an eye toward
 18 giving effect to all terms in the claim”). Relatedly, “[w]here a claim lists
 19 elements separately, the clear implication of the claim language is that those
 20 elements are distinct component[s] of the patented invention.” *Becton,*
 21 *Dickinson & Co. v. Tyco Healthcare Group, LP*, 616 F.3d 1249, 1254 (Fed. Cir.
 22 2010) (internal quotation marks omitted); *see Ethicon Endo-Surgery, Inc. v. U.S.*
 23 *Surgical Corp.*, 93 F.3d 1572, 1579, 1581 (Fed. Cir. 1996) (holding that “pusher
 24 bar,” “firing mechanism,” and “pusher assembly” “could not be interpreted as
 25 referring to the same structure” because the claims used the terms distinctly).
 26 The presumption that the two terms are distinct may be rebutted by evidence in
 27 the specification that two different terms may refer to the same thing. *See Powell*
 28 *v. Home Depot U.S.A., Inc.*, 663 F.3d 1221, 1231 (Fed. Cir. 2012).

1 The recitation of both a “solvent source container” and a “solvent
2 collection container” presumptively means that the two containers are distinct,
3 and allowing the two terms to refer to the same container would render
4 meaningless the language “in fluid communication with.” Nevertheless, as the
5 specification discloses, “[a]lthough solvent collection container 115 and solvent
6 source container 120 are distinct containers in system 100, this disclosure
7 contemplates that a single container could serve as both a solvent collection
8 container and solvent source container.”³⁴ Thus, the specification explicitly
9 discloses that the two containers may refer to the same structural element.
10 Requiring the two terms to be distinct would exclude that embodiment.

11 **G. Meaning of “Fluid Coupling”**

Limitation at Issue:	
“fluid coupling” (’155 Patent, Claim 3)	
Gene Pool’s Proposed Construction	Defendants’ Proposed Construction
Plain and ordinary meaning.	“fluid coupling that does not include a flexible line”

17 The Court construes the term “fluid coupling” to have its plain and
18 ordinary meaning. Claim 3 of the ’155 Patent recites, “wherein the outlet from
19 the first tank and the fluid inlet to the extraction chamber together comprise a
20 first valve attached to the first tank, a second valve attached to the extraction
21 chamber and a fluid coupling between the first valve and the second valve.”
22 Defendants assert that the term “fluid coupling” cannot include “a flexible
23 line” based upon the doctrine of prosecution disclaimer.³⁵ The Court disagrees.
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25 ³⁴ ’751 Patent 10:53–57.

26 ³⁵ Defendants also cite case law directed to the related, but distinct, doctrine
27 of prosecution history estoppel. “[W]here the patentee has unequivocally
28 disavowed a certain meaning to obtain his patent, the doctrine of prosecution
disclaimer attaches and narrows the ordinary meaning of the claim congruent
with the scope of the surrender.” *Omega Engineering, Inc. v. Raytek Corp.*, 334
F.3d 1314, 1323–24 (Fed. Cir. 2003) (emphasis added); see *Trading Techs. Int’l*,

1 Claim 3 as originally filed recited “wherein the first valve is attached to
2 the second valve via a flexible line.”³⁶ The examiner rejected that claim
3 (1) under 35 U.S.C. § 112(a) because “the specification does not describe a
4 flexible line”; and (2) under 35 U.S.C. § 103 as obvious.³⁷ The applicant then
5 amended original Claim 3 to replace the term “flexible line” with the term
6 “fluid coupling” to overcome the § 112(a) rejection.³⁸ The examiner still
7 rejected the amended claim under § 103, noting that “[a] flexible line is a type of
8 fluid coupling.”³⁹ Subsequently, the applicant twice amended the claim to
9 include the current limitations recited in Claim 3 without referring to the
10 examiner’s comment.⁴⁰ The examiner then allowed the claims.⁴¹

11 The amendment replacing the term “flexible line” with “fluid coupling”
12 does not clearly disclaim “flexible lines” from the scope of the term “fluid
13 coupling.” The applicant amended original Claim 3 to overcome the § 112(a)
14 rejection, not the § 103 rejection. The examiner stated that a “flexible line” is a
15 type of “fluid coupling,” and he maintained the same obviousness rejection for
16 the “fluid coupling” limitation as for the “flexible line” limitation. The
17 applicant disputed neither the examiner’s statement nor the examiner’s
18 obviousness conclusion for original Claim 3. Thus, Defendants have not shown
19 that the applicant clearly disclaimed the scope of the term “fluid coupling.”

20 The Federal Circuit’s decision in *UCB, Inc. v. Yeda Research & Dev. Co.*,
21 837 F.3d 1256 (Fed. Cir. 2016), is also distinguishable. There, the Federal

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23 *Inc. v. Open E Cry, LLC*, 728 F.3d 1309, 1321–22 (Fed. Cir. 2013) (explaining the
distinction between the two doctrines).

24 ³⁶ Appendix of Exhibits in Supp. of Defs.’ Opening Claim Construction Br.
[ECF No. 45-1], Ex. 4B 3 (Claim 13).

25 ³⁷ *Id.* at 11 & 13.

26 ³⁸ *Id.* at 18 & 22.

27 ³⁹ *Id.* at 33 & 37.

28 ⁴⁰ *Id.* at 42 & 65.

⁴¹ *Id.* at 76–78.

1 Circuit upheld the district court’s construction that the term “monoclonal
 2 antibody” did not include “chimeric antibodies” based upon the prosecution
 3 history. *Id.* at 1259–61. Specifically, the court found that the applicant withdrew
 4 a proposed claim that would have included “chimeric antibodies” within the
 5 scope of the claims after the examiner rejected the new limitation under
 6 § 112(a). *Id.* The court concluded that the applicant’s acquiescence to the
 7 examiner’s rejection meant that the patentee could not reclaim the “chimeric
 8 antibodies” within the scope of the claims. *Id.* By contrast, here, although the
 9 examiner initially found that the term “flexible line” lacked written description
 10 support under § 112(a), the examiner subsequently concluded that the term
 11 “fluid coupling” had written description support and included “flexible line.”

12 **VI. CONCLUSION**

13 For the foregoing reasons, the Court construes the disputed limitations as
 14 follows:

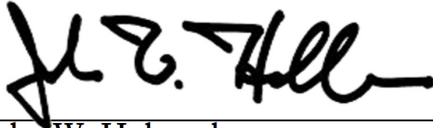
Limitation	Construction
“support” (’751 Patent, Cls. 13 & 20; ’532 Patent, Cl. 9)	“bear all or part of the weight of”
“canister interface” (’751 Patent, Cls. 13, 14, & 20)	Not governed by § 112(f). No construction.
“detachable canister interface” (’532 Patent, Cl. 9)	Not governed by § 112(f). No construction.
“cooling mechanism” (’203 Patent, Cls. 9 & 10)	Not governed by § 112(f). No construction.
“heating element” (’751 Patent, Cls. 13 & 17)	No construction.
“coolant” (’532 Patent, Cl. 9)	No construction.
“solvent collection container” (’751 Patent, Cl. 17; ’532 Patent, Cls. 14 & 15; ’203 Patent, Cls. 1, 8, & 18)	No construction.

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Limitation	Construction
"fluid coupling" ('155 Patent, Cl. 3)	No construction.

IT IS SO ORDERED.

Dated: October 23, 2022



John W. Holcomb
UNITED STATES DISTRICT JUDGE