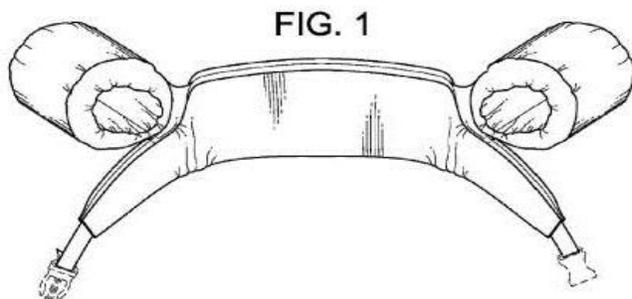


Sport Dimension, Inc. v. The Coleman Company, Inc., Appeal No. 2015-1553 (Fed. Cir. April 19, 2016). Before Moore, Hughes, and Stoll. Appealed from C. D. Cal. (Judge O'Connell).

Background:

The patentee's design patent was directed to a personal flotation device with two arm bands connected to a torso piece, which is flat on its back and tapers toward a connecting strap on its sides.

Claimed Design



Accused Product



On the other hand, the accused product's torso piece was not tapered, and the accused product had two straps that extended up to form a vest.

The district court's claim construction *completely* excluded the arm bands and tapered torso from the claim scope on the basis that they serve functional purposes.

Under this claim construction, the district court held that the patent was not infringed. The patentee appealed, asserting that the district court's wholesale elimination of the functional elements of the claim was erroneous.

Issue/Holding:

Did the district court err in its claim construction by wholly eliminating from the claim certain aspects of the design because they are functional? Yes, vacated and remanded.

Discussion:

Federal Circuit precedent on design-patent claim construction dictated that "where a design contains both functional and non-functional elements, the scope of the claim must be construed in order to identify the non-functional aspects of the design as shown in the patent." However, the Federal Circuit stated that no precedent has *completely* excluded a functional element from a design-patent claim construction -- the claims were simply limited to the "ornamental aspects of the otherwise functional elements."

Applying this rationale to this case, the Federal Circuit stated that the district court should not have removed the flotation device's arm bands and the tapered torso elements from the claim construction, even though they are functional parts of the device and provide very little stylistic design. Instead, the proper construction should identify only the ornamental aspects of the arm band and tapered torso elements (which the Federal Circuit admitted would likely be a narrow claim).

Thus, because the district court improperly ignored aspects of the patentee's claims, the district court's claim construction was erroneous. As such, the Federal Circuit vacated and remanded the district court's judgment of non-infringement.