

MAGNOLIA MEDICAL TECHNOLOGIES, INC. v. KURIN, INC., Appeal No. 2024-2001 (Fed. Cir. Mar. 6, 2026). Before Lourie, Hughes, and Freeman. Appealed from D. Del. (Judge Connolly).

Background:

Both Magnolia and Kurin developed devices for diverting the initial portion of a blood sample (i.e. the portion most likely to be contaminated by skin microbes) during venipuncture. Magnolia holds two patents, one containing claims directed to a “vent” and a “seal member” (‘483 patent), and the other containing claims directed to a “diverter” (‘001 patent). Kurin manufactures the “Kurin Lock”, a blood sequestration device comprising a porous polymeric plug which acts as a “vent” prior to contact with blood but becomes a “seal” after initial contact with blood. Magnolia sued Kurin, alleging that the “Kurin Lock” infringed upon the ‘483 and the ‘001 patents.

During a *Markman* hearing, the district court construed the “diverter” recited in the claims of the ‘001 patent as a means-plus-function term, thus limiting the claims to cover only the corresponding disclosed “diverter” structures. Based on that construction, the parties stipulated to non-infringement as to the ‘001 patent. The parties did not seek construction of the “vent” and “seal” limitations of the ‘483 patent.

After Magnolia concluded its presentation of evidence, Kurin moved for judgment as a matter of law, which was denied. The jury found Kurin directly infringed claims of the ‘483 patent. Kurin subsequently renewed its JMOL motion. The district court granted this motion, holding that when a patent claim lists elements separately, those elements must be separate structures. Magnolia appealed.

Issues / Holdings:

- (1) Did the district court err in construing the ‘001 patent as containing a means-plus-function term? No, affirmed.
- (2) Was the district court’s judgement as a matter of law improper due to either (a) being untimely or (b) being based on an incorrect claim construction? No, affirmed.

Discussion:

The Federal Circuit affirmed the construction of “diverter” as a means-plus-function term. Specifically, while claim 1 of the ‘001 patent did recite some features of a “diverter”, these were passive features that by themselves were insufficient to perform the directing function. The Federal Circuit also affirmed the judgement as a matter of law, holding that the district court’s claim construction was both (a) timely and (b) correct.

The parties did not ask to construe the “vent” and “seal” limitations of the ‘483 patent. The jury was thus instructed that these terms should be given their plain and ordinary meanings. The district court properly concluded that, because these limitations are listed separately in claim 1, two separate corresponding structures for those limitations are required. Magnolia asserted that it was too late for the district court to adopt this construction in its JMOL decision.

The Federal Circuit disagreed with Magnolia. While it would be too late for a district court to adopt a materially different claim construction at JMOL, it is permissible for a district court to elaborate on claim construction post-verdict when doing so only clarifies what was inherent in the construction. The Federal Circuit emphasized that, because the “vent” and “seal” were listed as separate elements in ‘483 patent claim 1, the plain and ordinary meaning of the claim required two separate structures.