

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RIDDELL, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 16 C 4496
)	
KRANOS CORPORATION d/b/a SCHUTT)	
SPORTS,)	
)	
Defendant.)	
-----)	
)	
RIDDELL, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 16 C 4498
)	
XENITH, LLC,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

MATTHEW F. KENNELLY, District Judge:

Riddell has sued Kranos Corporation—doing business and referred to here as Schutt Sports—and Xenith, LLC, alleging that the two companies are infringing three of Riddell's patents for football helmets. Both defendants have filed motions for claim construction. The parties submitted written briefs, and the Court held a claim construction hearing on May 19, 2017. This opinion sets forth the Court's construction of disputed claim language.¹

¹ Riddell's suit against Xenith, Case No. 16 C 4498, is assigned to Judge Thomas Durkin. The undersigned judge is presiding over pretrial proceedings in the two cases

Background

Riddell manufactures and sells football equipment including helmets. The company owns two patents—U.S. Patent Nos. 8,528,118 and 8,938,818—both of which are titled "Sports Helmet." Both patents relate generally to a protective helmet with a plastic shell and a raised central band that adds strength and rigidity to the helmet without requiring additional material and therefore without adding additional weight. The helmets also allow for the placement of vent openings on the shell to provide ventilation. The '118 patent was issued in September 2013, and it was reexamined and amended in September 2014. Am. J.A. in Supp. of Cl. Constr. Br. (JA) 24. The application for the '818 patent was issued in January 2015 as a continuation of the '118 patent. JA722. The parties therefore largely focus their analyses on the language in the '118 patent.

Riddell also owns a patent, U.S. Patent No. 8,813,269, directed at a particular type of faceguard for its football helmets and titled "Sports Helmet with Quick-Release Faceguard Connector and Adjustable Internal Pad Element." JA2080. Riddell's design is intended to decrease the time it requires to remove the faceguard from a football helmet by eliminating the "laborious process of unscrewing a threaded fastener." Pl. Riddell, Inc.'s Responsive Cl. Constr. Br. (Pl.'s Resp. to Schutt) at 3. The application for the '269 patent was filed in April 2008, and the patent was issued in August 2014.

Both defendants also manufacture and sell sports helmets. Riddell claims that Schutt's line of Vengeance football helmets infringe claims 1, 5–6, 11–13, 25, 30, 32–34, and 36 of the '118 patent and claims 1–3, 5–6, 8–12, 40–42, 49–50, 53, 56–58, 60–

pursuant to an order entered by the district's Executive Committee under N.D. III. Internal Operating Procedure 13(e).

61, and 65 of the '818 patent. Pl.'s Resp. to Schutt at 2. Riddell also claims that this line of helmets, as well as other models, infringe claims 1, 3–9, 13–20, and 22–23 of the '269 patent. *Riddell, Inc. v. Kranos Corp.*, No. 16 C 4496, Compl. ¶¶ 40–51. Riddell claims that Xenith manufactures helmets that infringe claims 1–2, 5–6, 11–13, 25–28, 30, and 32–37 of the '118 patent and claims 41–49, 51–52, 58, and 62–65 of the '818 patent. *Riddell, Inc. v. Xenith, LLC*, No. 16 C 4498, Compl. ¶¶ 8–35. Riddell does not claim that Xenith is infringing the '269 patent.

Both defendants have requested construction of a number of terms appearing within these three patents; Riddell argues in most instances that the terms do not require construction. For the most part, defendants request construction of the same phrases and propose virtually identical constructions. There are some variations, in which either 1) only a single defendant proposes construction of a particular phrase; 2) defendants argue instead that the phrase is invalid as indefinite under 35 U.S.C. § 112; or 3) a defendant both offers a construction and argues in the alternative that the phrase is indefinite.

Claim 1 of the '118 patent is largely representative of the disputed language in both the '118 patent and the '818 patent:

A football helmet comprising:
a plastic shell configured to receive a head of a wearer of the helmet, the shell having:
 a front region,
 a crown region,
 a rear region,
 two side regions wherein each side region has an ear flap with an ear opening,
 a raised central band integrally formed as part of the shell and extending across the crown region to the rear region,
 a first plurality of vent openings formed in the shell outside of the raised central band, wherein the first plurality of vent

openings are aligned, and positioned along a first side of the raised central band; and
a chin strap assembly that releasably secures the helmet to the wearer.

JA24, 1:24–40.

Only Schutt requests construction of the '269 patent. This patent discloses "an improved sports helmet including a quick release connector assembly for the faceguard that allows for rapid disconnection of the faceguard from the helmet shell." JA2080.

Claim 1 of the '269 patent discloses:

A sports helmet comprising:
a shell;
a faceguard;
a faceguard connector assembly having a bracket with at least one channel that receives an extent of the faceguard, the faceguard connector assembly further having a releasable coupler mechanism that extends through both the bracket and an opening in the shell to secure the faceguard to the shell in a use position, the releasable coupler mechanism including:
a washer having a main body that extends substantially perpendicular from a flange of the washer, the main body having a central opening and extending into and positioned within the shell opening;
a cylindrical body that extends through the bracket and the shell opening, wherein an extent of the cylindrical body is received by the central opening of the washer in the use position; and
a head positioned within the bracket, the head configured to receive a tool that applies an actuation force; and
wherein the actuation force is applied to the coupler mechanism to move the coupler mechanism from the use position to a disconnected position that allows for removal of the bracket from the shell to permit the faceguard to be displaced with respect to the shell.

JA2095, 9:21–46. Claim 2 discloses "[t]he sports helmet of claim 1, wherein the application of the actuation force lacks a rotational component." *Id.*, 9:47–48.

The Court analyzes the disputed terms in the sequence listed by the parties in their joint claim construction chart and status report. Dkt. no. 130. Because each disputed phrase often has three proposed constructions—or at least three separate

arguments—the Court will not list each one here, but instead will do so at the beginning of the section of the analysis discussing each phrase. These proposed constructions are taken from the joint claim construction chart and status report that the parties filed with the Court. See *dk. no. 130*. The parties differentiate between phrases for which defendants propose a particular claim construction and phrases that defendants contend are indefinite. Under the parties' organization, a phrase is in the latter category even if one of the defendants has proposed a particular construction. For the sake of consistency, the Court organizes its analysis in the same way.

Discussion

Claim construction begins with the words of the claim itself. *Takeda Pharm Co. Ltd. v. Zydus Pharm. USA, Inc.*, 743 F.3d 1359, 1363 (Fed. Cir. 2014). The terms used in the claims bear a "heavy presumption that they mean what they say and have the ordinary meaning that would be attributed to those words by persons skilled in the relevant art." *Texas Digital Sys., Inc. v. Telegenix, Inc.*, 308 F.3d 1193, 1202 (Fed. Cir. 2002) (internal quotation marks omitted). The ordinary meaning is the one derived from reading the claims in the context of the specification and prosecution history. *Starhome GmbH v. AT&T Mobility LLC*, 743 F.3d 849, 856 (Fed. Cir. 2014). Because of this, the specification is "the single best guide to the meaning of a disputed term." *Power Integrations, Inc. v. Fairchild Semiconductor Int'l, Inc.*, 711 F.3d 1348, 1361 (Fed. Cir. 2013). The specification may reveal a particular definition given to a term by the patentee that differs from the meaning it would otherwise possess. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1316 (Fed. Cir. 2005) (en banc).

The prosecution history also "provides evidence of how the PTO and the inventor

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