Borland in Law360: Federal Circuit Ruling on Patent 863

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The U.S. Court of Appeals for the Federal Circuit found in *Exmark Manufacturing Co. Inc. v. Briggs & Stratton Power Products Group LLC*, No. 2016-2197 (Fed. Cir. Jan. 12, 2018), that a district court did not err in denying summary judgment for indefiniteness. Specifically, the Federal Circuit determined that the claim language and specification of U.S. Patent No. 5,987,863 ("the '863 patent") provided reasonable certainty on how to determine whether a lawn mower baffle portion was long enough and straight enough to be considered "elongated and substantially straight" (claim 1 of the '863 patent) for the purposes of determining infringement.

An annotated version of Figure 4 of the '863 patent was provided on appeal illustrating the baffle portion 58 in question. The baffle portion 58 is disposed between a first arcuate baffle portion 56 and a second arcuate baffle portion 60 (col. 4, lines 8-12 of the '863 patent) and extends in a "chord-like" fashion with respect to the second arcuate baffle portion 60.

The Federal Circuit reasoned that no strict numerical precision was required for definiteness as long as some standard for measuring a term of degree was provided. Here, the court found the claims and specification of the '863 patent provided that the baffle portion 58 "must be long enough and straight enough to at least connect these two arcuate portions [56 and 60] of the baffle." ...

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