

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LEAR CORPORATION,

Plaintiff,

v.

NHK SEATING OF AMERICA INC.,

Defendant.

Case No. 13-cv-12937  
Honorable Laurie J. Michelson

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**ORDER ADOPTING SPECIAL MASTER'S REPORT  
CONSTRUING PATENT CLAIM TERMS**

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Plaintiff Lear Corporation holds five patents generally directed to headrests that move upon a front or rear impact to a vehicle. Lear claims that Defendant NHK Seating of America makes or sells products (or aids others in making and selling products) that are covered by some of the claims of these five patents. In particular, Lear asserts that NSA is liable for directly or indirectly infringing claims 14, 45, 49, 57, 62, 86, 90, and 94 of U.S. Patent No. 5,378,043; claim 15 of U.S. Patent No. 6,655,733; claims 4 and 17 of U.S. Patent No. 6,631,949; claims 1, 4, 5, 18, and 19 of U.S. Patent No. 7,455,357; and claim 2 of U.S. Patent No. 8,434,818.

Like most patent cases, Lear and NSA dispute the scope of the claims. NSA reads certain claims more narrowly than Lear does (or, depending on perspective, Lear reads them more broadly than NSA). In all, the parties disputed 15 claim terms (with one of the terms appearing in four patents).

Given the considerable number of claim terms that the parties asked this Court to construe, and that the terms were spread across five patents (with their own prosecution histories), the Court believed that the interpretative task would be considerably expedited if it were referred to a special

master for recommended construction. The parties selected Retired U.S. Court of Claims Judge James F. Davis. (PageID.1213.) The Court contemplated that after Judge Davis issued his report and recommendation, each party would ask this Court to re-construe up to five terms, and, for purposes of preserving issues for appeal, would object to any number of his constructions. (PageID.2986.)

On April 23, 2018, Judge Davis issued his report. (PageID.3358–3384.) Lear did not object to any of the proposed constructions. And while NSA did object, NSA did not specify the five terms that it wanted the Court to re-construe. Instead, for the reasons stated in its claim-construction briefing and at the hearing, NSA objected “to each and every claim construction that [did] not comport with [its] claim constructions” and “reserve[d] its right to appeal any construction that the Court adopts from the Special Master Report . . . that differs from [its] claim construction.” (PageID.3389.)

The Court, in addition to conducting the claim construction hearing, has reviewed all of the parties’ briefing and Judge Davis’ report. Having done so, the Court ADOPTS Judge Davis’ constructions (save for one claim phrase that NSA indicated does not require construction). The Court’s constructions are set forth in the attached chart.

SO ORDERED.

Dated: June 21, 2018

s/Laurie J. Michelson  
LAURIE J. MICHELSON  
U.S. DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 21, 2018.

s/Keisha Jackson  
Case Manager

<b>Claim Language</b>	<b>Lear’s Proposed Construction</b>	<b>NSA’s Proposed Construction</b>	<b>Court’s Construction</b>
“a seatback frame” (’043, ’818, ’949, ’357 patents)	Plain meaning applies and no construction is necessary.  In the event that a construction is deemed appropriate, “A rigid structure that supports the seatback.”	“A rigid body structure that substantially surrounds the perimeter of the seatback to provide structural support for the seatback.”	“A rigid structure that supports the seatback.”
<b>’043 patent (January 3, 1995)</b>			
“seatback frame is shaped as an inverted ‘U’” (’043 patent)	Plain meaning applies and no construction is necessary.	“Seatback frame has two side members connected at the top by a cross member, but unconnected at the bottom.”	“seatback frame is shaped as an inverted U having two risers or sides joined by a cross frame member”
“a bushing” (’043 patent)	“A liner or sleeve used to limit the size of an opening, resist abrasion, or serve as a guide.”	“A lining for an opening used to limit the size of the opening, resist abrasion, or serve as a guide.”	“a lining for an opening to resist abrasion or serve as a guide”
“post” (’043 patent)	Plain meaning applies and no construction is necessary.	“An extension, pillar, or leg that extends downwardly from the headrest.”	No construction is necessary.
“seatback frame comprises . . . a cross [frame] member” (’043 patent)	Plain meaning applies and no construction is necessary.	“the cross [frame] member is a part of the seatback frame, and is a member that crosses from one side of the frame to the other”	No construction is necessary.

Claim Language	Lear’s Proposed Construction	NSA’s Proposed Construction	Court’s Construction
<b>'949 patent (October 14, 2003)</b>			
<p>“a headrest arrangement including a headrest and a headrest extension, the headrest extension having one of a guide member and a follower and an impact target located below the one of a guide member and a follower” ('949 patent)</p>	<p>“The headrest arrangement includes: a headrest, a headrest extension having one of a guide member and a follower, and an impact target.”</p>	<p>“Headrest extension has either a guide member or a follower and has an impact target.”</p>	<p>“The headrest arrangement includes: a headrest, a headrest extension having one of a guide member and a follower, and an impact target”</p>

Claim Language	Lear’s Proposed Construction	NSA’s Proposed Construction	Court’s Construction
<b>'733 patent (December 2, 2003)</b>			
<p>“upon impact to the vehicle one of a rearward load by the occupant upon the impact target and the forward inertia of the headrest irrespective of whether occupant is in contact with the seatback will cause the follower to engage the guideway in such a manner as to cause the headrest to move in a manner so as to support a head of an occupant” ('733 patent)</p>	<p>Plain meaning should apply and no construction is necessary.</p> <p>In the event that a construction is deemed appropriate, “Upon impact to the vehicle, either a rearward load by the occupant upon the impact target or the forward inertia of the headrest will cause the follower to engage the guideway in such a manner as to cause the headrest to move so as to support a head of an occupant.”</p>	<p>“Deployment will occur when a rearward load by the occupant is applied to the impact target. Deployment will also be caused by forward inertia of the headrest irrespective of whether occupant is in contact with the seatback”</p>	<p>“upon impact to the vehicle, either a rearward load by the occupant upon the impact target or the forward inertia of the headrest, will cause the headrest to move so as to support a head of an occupant”</p>

Claim Language	Lear's Proposed Construction	NSA's Proposed Construction	Court's Construction
<p><del>"a seatback"</del> ('733 patent)</p>	<p>Plain meaning applies and no construction is necessary.</p>	<p>"Substantially vertical portion of a seat structure, separate from the headrest arrangement, that supports the back of the occupant."</p>	<p>No construction is necessary.  (Although the parties initially disputed the meaning of this term, NSA subsequently withdrew its request for construction of this term.)</p>

Claim Language	Lear’s Proposed Construction	NSA’s Proposed Construction	Court’s Construction
<b>’357 Patent (November 25, 2008)</b>			
“bar” (’357 patent)	<p>Plain meaning applies and no construction is necessary because the word “bar” does not appear in the claim outside of the claim term “four-bar mechanism,” construed below.</p> <p>If the Court decides a construction is necessary, Lear proposes that “bar” be construed to encompass at least “any suitable component, such as a metal wire or rod, a stamping, a molded or cast component.”</p>	“An elongated rigid rod.”	No construction separate from construction of “link” and “four-bar mechanism”
“link” (’357 patent)	“Any suitable component, such as such as a metal wire or rod, a stamping, a molded or cast component”	“A rigid member used for connecting two structures.”	“Any suitable component , such as a metal wire or rod, a stamping, a molded or cast component”
“four-bar mechanism” (’357 patent)	“A mechanism that includes four connected bars or links for transferring force”	“Four rigid bars pivotally connected to each other to form a closed loop and to move in parallel planes.”	“A mechanism that includes four connected bars or links for transferring force”

Claim Language	Lear’s Proposed Construction	NSA’s Proposed Construction	Court’s Construction
<b>'818 patent (May 7, 2013)</b>			
“lower cross member” ('818 patent)	Plain meaning applies and no construction is necessary.	“A horizontal member that crosses the seatback from one side to the other side of the frame at or near the bottom of the frame.”	“A horizontal member that extends between the two side frame members at or near the bottom of the frame.”
<del>“cross bar”</del> ('818 patent)	Plain meaning applies and no construction is necessary.  In the event that a construction is deemed appropriate, “A horizontal member of upper armature.”	“A horizontal bar that crosses the seatback from one side to the other side of the frame.”	No construction is necessary.  (Although the parties initially disputed the meaning of this term, NSA subsequently withdrew its request for construction of this term. (PageID.2966)).
<del>“predetermined force”</del> ('818 patent)	Plain meaning applies and no construction is necessary.	A force determined before being applied.	No construction is necessary.  (Although the parties initially disputed the meaning of this term, NSA subsequently withdrew its request for construction of this term.)

Claim Language	Lear’s Proposed Construction	NSA’s Proposed Construction	Court’s Construction
<p>“transfer member” (’818 patent)</p>	<p>Plain meaning applies and no construction is necessary.</p>	<p>Subject to 35 U.S.C. § 112, 6th Paragraph</p> <p>The recited function is to “to move and act upon the upper armature and to slide the transverse bar along the cam surface in response to a predetermined force applied to the impact body to move the head restraint toward the occupant.”</p> <p>The structure disclosed in the specification that performs this function is a linking rod 122 that links the upper armature and the lower armature with a straight leading portion that extends above an upper armature and a bend located below the leading portion so as to allow some play in the movement of the impact plate.</p>	<p>“transfer member” is not subject to 35 U.S.C. § 112, ¶ 6.</p>