

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TYCO FIRE PRODUCTS, L.P.,                   :     CIVIL ACTION  
  :     NO. 10-4645  
Plaintiff,                                    :  
  :  
v.   :  
  :  
VICTAULIC COMPANY                         :  
  :  
Defendant.                                    :

**ORDER**

**AND NOW**, this **27th** day of **March, 2012**, for the reasons set forth in the Court's accompanying memorandum dated March 27, 2012, it is **ORDERED** that the disputed claim terms are defined as follows:

<u>Terms &amp; Patent(s)</u>	<u>Court's Construction</u>
<b>dry</b> '736 Patent	A type of fire protection wherein fluid flow lines are filled with air or another gas and upon release of this air or other gas, water enters the fluid flow lines.

<b>ceiling-only</b> '736 Patent	Sprinklers are only located at the ceiling, above the stored items or materials. There are no sprinklers between the ceiling sprinklers and the floors.
<b>storage occupancy</b> '736 Patent	An occupancy used primarily for the storage or sheltering of goods, merchandise, products, vehicles or animals.
<b>control mode sprinklers</b> '736 Patent	Sprinklers that limit the size of a fire by distribution of water so as to decrease the heat release rate and pre-wet adjacent combustibles, while controlling ceiling gas temperatures.
<b>network of pipes</b> '736 Patent	A configuration of pipes.
<b>branch lines</b> '736 Patent	The pipes in which the sprinklers are placed, either directly or through risers.
<b>hydraulically remote sprinklers</b> '736 Patent	Sprinklers that place the greatest water demand on a system in order to provide a prescribed minimum discharge pressure or flow.
<b>hydraulic design area</b> '736 Patent	An area, defined in squared units of measure, comprising a defined number of hydraulically remote sprinklers at defined spacing between each sprinkler.

<p><b>maximum fluid delivery delay period</b></p> <p>'736 Patent</p>	<p>The maximum intentionally delayed period of time following the activation of the first sprinkler to the activation of another specified sprinkler in the system.</p>
<p><b>minimum fluid delivery delay period</b></p> <p>'736 Patent</p>	<p>The minimum intentionally delayed period of time following the activation of the first sprinkler to the activation of another specified sprinkler in the system.</p>
<p><b>pressure decay; decay of gas pressure</b></p> <p>'736 Patent</p>	<p>No construction necessary.</p>
<p><b>control mode specific application sprinkler</b></p> <p>'736 Patent</p>	<p>A type of sprinkler that is capable of limiting the size of a fire by distribution of water so as to decrease the heat release rate and pre-wet adjacent combustibles, while controlling ceiling gas temperature to avoid structural damage and that is functional at a minimum operating pressure with a specific number of operating sprinklers for a given protection scheme.</p>
<p><b>most hydraulically demanding sprinklers</b></p> <p>'736 Patent</p>	<p>Sprinklers that place the greatest water demand on a system in order to provide a prescribed minimum discharge pressure or flow.</p>

<b>least hydraulically demanding sprinklers</b> '736 Patent	Sprinklers that place the least water demand on a system in order to provide a prescribed minimum discharge pressure or flow.
<b>identifying</b> '736 Patent	No construction necessary.
<b>verifying</b> '736 Patent	No construction necessary.
<b>surround and drown</b> '736 Patent	To substantially surround a burning area with a discharge of water to rapidly reduce the heat release rate.
<b>fire suppression protection; suppression of a fire</b> '201 Patent	To deliver water density sufficient to contain or extinguish a fire.
<b>sprinkler for providing fire suppression protection in a storage enclosure</b> '201 Patent	A sprinkler to deliver water density sufficient to contain or extinguish a fire for protection of a storage enclosure, not necessarily an ESFR sprinkler.
<b>a generally tubular body defining a passageway along a longitudinal axis</b> '201 Patent	No construction necessary.

<p><b>the passageway having a changing cross-section as the passageway extends along the longitudinal axis between an inlet opening at one end of the body and an outlet opening at the other end</b></p> <p>'201 Patent</p>	<p>The passageway having a changing cross-section as the passageway extends along the longitudinal axis between an inlet opening at one end of the body and an outlet opening at the other end, wherein the changing cross-section need not be continuously changing.</p>
<p><b>the passageway having a minimum diameter to define . . . a first diameter of the sprinkler</b></p> <p>'201 Patent</p>	<p>No construction necessary.</p>
<p><b>the plurality of peripheral edges defining the maximum diameter of the redirecting member as a second diameter of the sprinkler</b></p> <p>'201 Patent</p>	<p>The outer edges of the plurality of tines defines the maximum diameter of the redirecting member as a second diameter of the sprinkler.</p>

It is hereby further **ORDERED**, that the parties shall meet and confer and submit to the Court a jointly proposed scheduling order by **April 6, 2012**.

**AND IT IS SO ORDERED.**

s/Eduardo C. Robreno  
**EDUARDO C. ROBRENO, J.**