United States District Court,
N.D. Illinois, Eastern Division.

Ole K. NILSSEN,
Plaintiff.
v.
MAGNETEK, INC,
Defendant.

April 10, 2000.

MEMORANDUM OPINION AND ORDER

SHADUR**, Senior District J.**

On March 14, 2000 this patent infringement action was reassigned from the calendar of this Court's colleague Honorable Matthew Kennelly to this Court's calendar in accordance with this District Court's Internal Operating Procedure 13. Before that reassignment Judge Kennelly had taken the first step in the two-step analysis required to determine whether a patent claim has been infringed: construing the claims to determine their scope and meaning. That decision (see 1999 WL 982966 (N.D.Ill. Oct. 22)) involved some of the same claim elements that were later construed by this Court in Nilssen v. Motorola, Inc., 80 F.Supp.2d 921 (N.D.Ill.2000).

Because Judge Kennelly and this Court had differed as to the construction of two of those overlapping claim elements FN1 and because it would have been anomalous for this Court to speak with different voices on the same issues,FN2 this Court is now modifying two of Judge Kennelly's *Markman* determinations in this action to conform to those in the *Motorola* action: FN3

FN1. This Court has just ruled on Nilssen's motion for reconsideration in the *Motorola* case. That ruling has neither eliminated either of the two original inconsistencies nor created any new ones.

FN2. Markman v. Westview Instruments, Inc., 517 U.S. 370, 390 (1996), *aff'g* 52 F.3d 967 (Fed.Cir.1995)(en banc), stresses "the importance of uniformity in the treatment of a given patent."

FN3. No disrespect to Judge Kennelly's determinations is of course intended here. There is always room for good faith judicial disagreements in these complex areas of patent construction.

1. "Inductor means" in claim 37 FN4 in United States Patent No. 5,432,409 is construed as "providing substantially constant current due to the internal impedance in the inductor's windings."
FN4. That same term was involved as part of claim 36 in Judge Kennelly's opinion and is also present in

claims 9 and 16.

2. "Circuit means" in claim 17 of U.S. Patent No. 5,047,690 is construed to be in means-plus-function form. All of Judge Kennelly's other constructions of the claim elements in this action stand.
N.D.Ill.,2000.
Nielssen v. Magnetek, Inc.

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