

**JVW ENTERPRISES, INC. v. INTERACT ACCESSORIES, INC.:**  
**MEANS-PLUS-FUNCTION CLAIM CONSTRUCTION**

In a recent case involving a means-plus-function claim limitation, the United States Court of Appeals for the Federal Circuit (“CAFC”) in *JVW Enterprises, Inc. v. Interact Accessories, Inc.*, (04-1410), outlined an approach for construing and determining infringement of means-plus-function claims.

The construction of a means-plus-function claim involves the distinct steps of first determining the claimed function, and second, identifying the corresponding structure in the written description that performs that function. Regarding the first step, a court cannot adopt a functional limitation that is different from that explicitly recited in the claims. Furthermore, a court may not import functions from working embodiments. The second step requires identifying structure that not only performs the claimed function, but is also clearly associated with performing the function in the specification.

Infringement of a means-plus-function limitation requires a finding that the accused device contains a structure that performs the identical function and is identical or equivalent to the corresponding structure. Equivalent structure is found if the differences between the two are insubstantial. One formulation of the insubstantial differences test is whether a structure performs the same function in substantially the same way to accomplish substantially the same result.

In *JVW Enterprises*, the CAFC emphasized the importance of first determining the claimed function, independently of defining structural limitations, in order to properly construe means-plus-function claims. In particular, the CAFC found reversible error where the district court adopted a function that included structural limitations and also imported functional limitations from working embodiments that were not required by the claim.

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