

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

| | | |
|-----------------------|---|--------------------------|
| WCM INDUSTRIES, INC., |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | No. 2:13-cv-2019-JPM-tmp |
| |) | |
| IPS CORPORATION, |) | |
| |) | |
| Defendant. |) | |

**SUPPLEMENTAL INSTRUCTION NO. 2
RESPONSE TO JURY QUESTIONS**

The jury has submitted the following questions to the Court:

Question (1): Please clarify the term "lug." Normally a word or term is not defined using the word or term in the definition.

Answer: As stated in the construction of the claims, the term "lug," as it is used in the Asserted Patents, was interpreted by this Court to mean "a lug that detachably engages with the cap" consistent with the definition of the term "detachably engage." The terms "detachably engage," "detachably associated," and "detachably interconnected," were interpreted by this Court to mean "detachably frictionally engaged." "Detachably engage" may include a snap-fit connection so long as the snap-fit connection satisfies the other requirements of the Court's construction.

A lug is also described as a cap retention element. It is with a lug/cap retention element that the cap must detachably frictionally engage.

Question (2): Our question here is with your instructions as to how we define "nut" or "nut element." If we can only define a nut or nut element as "an object having at least one radially extending lug . . .," then what do we call the threaded ring which secures the overflow elbow assembly to the tube on the revised IPS product?

Answer: This is a question for you to determine under the instructions provided. As stated in the construction of the claims, the terms "nut" and "nut element," as they are used in the Asserted Patents, were both interpreted by this Court to mean "an object having at least one radially extending lug and a threaded bore to selectively engage the upper end of the overflow assembly." Remember, you must follow the Court's definition of "nut" and "nut element," and you must compare IPS's accused products to the claims of the Asserted Patents when making your decisions.

Also remember, you are not to single out any particular part of the instructions and ignore the rest, but you are to consider all the instructions as a whole and regard each in the light of all the others.