

Federal Circuit Reverses District Court's Narrow Claim Construction Ruling

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In [*Evolution Concepts, Inc. v. HOC Events, Inc.*, No. 2021-1963 \(Fed. Cir. Jan. 14, 2022\)](#), the Federal Circuit reversed and vacated the district court's summary judgment rulings and the award of attorney's fees.

The patent-in-suit is directed to a device for converting a rifle with a detachable magazine to one with a fixed magazine. In granting Juggernaut's motion for summary judgment of non-infringement, the district court construed "magazine catch bar" to exclude a factory-installed bar. The district court based its construction on an embodiment disclosing "removing the standard OEM magazine catch assembly and installing the invention," and an unasserted claim reciting a method of removing the factory-installed magazine catch bar and installing a magazine catch bar.

The Federal Circuit reversed, holding that "magazine catch bar" does not exclude a factory-installed bar. The Federal Circuit noted that the unasserted claim requires only removing a specific type of bar and then installing "a magazine catch bar"—which could either be the removed bar or a different bar, and the specification does not limit the scope of a "magazine catch bar" to exclude factory-installed bars. The Federal Circuit also vacated the award of attorney's fees because Juggernaut is no longer a prevailing party.

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