A Vibration Dampener Fails Mayo/Alice Test in D. Delaware – Is the Decision as Shaky as it Seems?

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The Vibration Dampener decision is not as bad as the headline might suggest, the claims are very broad method of manufacturing claims. Accordingly, the claims are not specifically directed at the device, but rather how the device is manufactured. As illustrated by the claim below, the vast majority of the claim language is functional with little to no specifics about the structure of the device.

- 1. A method for manufacturing a shaft assembly of a driveline system, the driveline system further including a first driveline component and a second driveline component, the shaft assembly being adapted to transmit torque between the first driveline component and the second driveline component, the method comprising:
- providing a hollow shaft member;
- tuning at least one liner to attenuate at least two types of vibration transmitted through the shaft member; and
- positioning the at least one liner within the shaft member such that the at least one liner is configured to damp shell mode vibrations in the shaft member by an amount that is greater than or equal to about 2%, and the at least one liner is also configured to damp bending mode vibrations in the shaft member, *the at least one liner being tuned to within about ±20% of a bending mode natural frequency of the shaft assembly as installed in the driveline system*.

It will be interesting to see if this decision is appealed, the claim language highlighted above will likely be a point of contention-as it at least attempts to move away from purely functional language (but still fails to recite any structure).

One aspect of the decision that seems troubling is how the decision characterizes the claims as an "application" of Hooke's law (not claiming Hooke's law, but an application of it). The Court likely intends this to mean that the claims cover nothing more than a Law of Nature, but their language is ripe for future abuse. The decision does go on to elaborate that the claims do not recite any particular method to design or construct the liners to obtain the claimed results (which is the real problem with the claims).

In my view, these are not good claims for an appeal, as the claim language is lacking in specifics

regarding the structure of the liners with all elements relying on functional language alone to characterize the invention.

Nonetheless, this is not a good development for the mechanical arts in the area of 101.

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