

**Accused Infringer's Knowledge Of Prior Claim Construction In Other Proceedings Relevant And Admissible In Willfulness Inquiry. (Stark, J.)**

*ICU Medical, Inc. v. Rymed Technologies, Inc.*

In *ICU Medical, Inc. v. Rymed Technologies, Inc.*, 2010 U.S. Dist. LEXIS 124253 (D. Del. Nov. 23, 2010), Judge Stark denied in part ICU's motion to exclude evidence of claim constructions of certain of the patents in suit rendered in four previous patent infringement actions. *Id.* at \* 5 - \*10. One of the previous patent infringement actions involved the construction of three of the four patents in suit, as well as several of the disputed claim limitations ("the *Alaris* construction"). ICU argued against the admission of previous claim constructions on grounds of irrelevance, confusion and prejudice. Judge Stark disagreed, holding that, until the Court issued its claim construction in the case at bar, Rymed may have reasonably relied upon the *Alaris* construction to assess infringement. *Id.* at \*8. To this extent, the *Alaris* construction was relevant to Rymed's defense against ICU's charges of willful infringement.