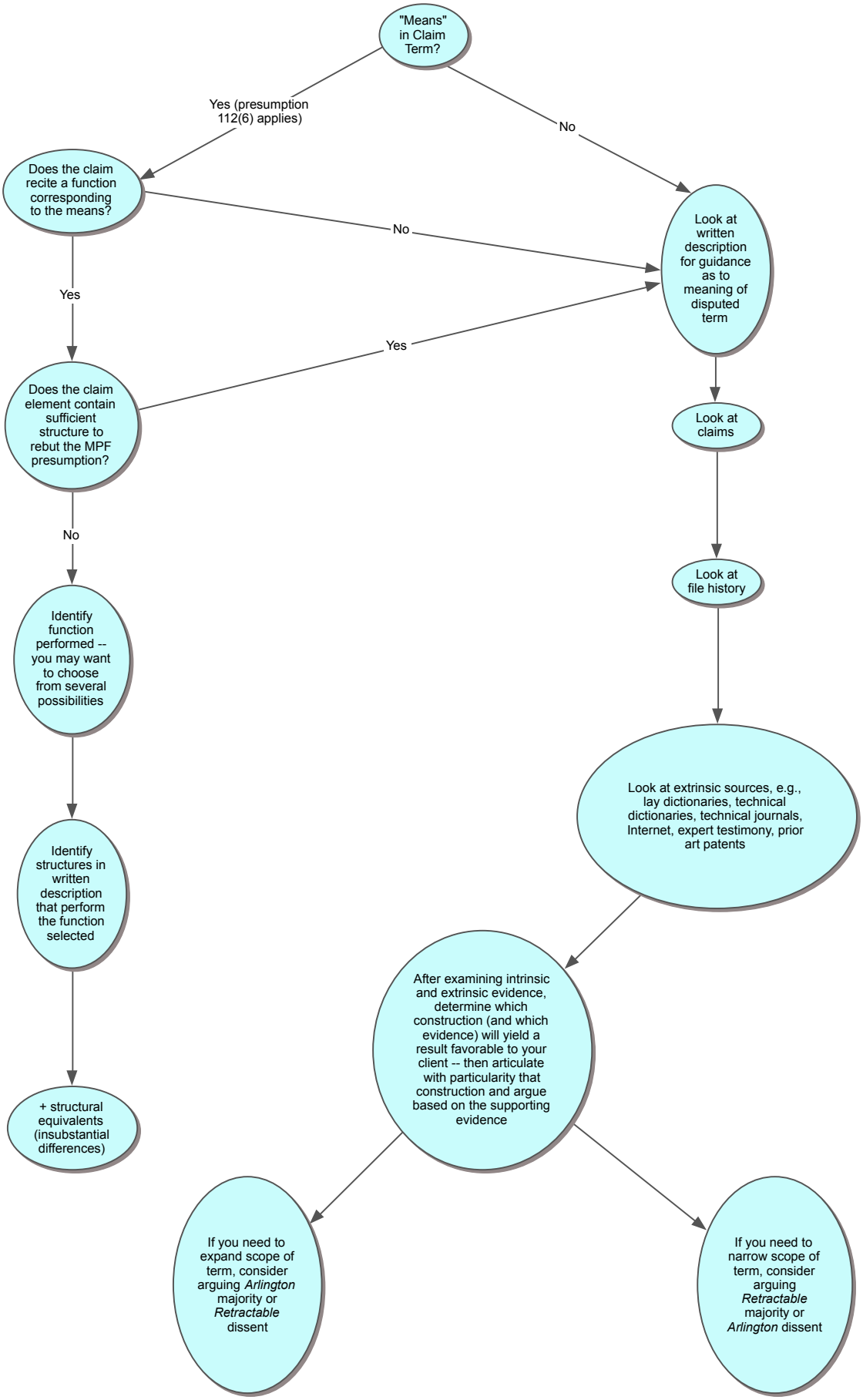
"Means" in Claim Term?
Yes (presumption 112(6) applies)
No
Does the claim recite a function corresponding to the means?
No
Look at written description for guidance as to meaning of disputed term
Yes
Yes
Does the claim element contain sufficient structure to rebut the MPF presumption?
Look at claims
No
Look at file history
Identify function performed -- you may want to choose from several possibilities
Look at extrinsic sources, e.g., lay dictionaries, technical dictionaries, technical journals, Internet, expert testimony, prior art patents
Identify structures in written description that perform the function selected
After examining intrinsic and extrinsic evidence, determine which construction (and which evidence) will yield a result favorable to your client -- then articulate with particularity that construction and argue based on the supporting evidence
+ structural equivalents (insubstantial differences)
If you need to expand scope of term, consider arguing *Arlington* majority or *Retractable* dissent
If you need to narrow scope of term, consider arguing *Retractable* majority or *Arlington* dissent