

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

**CARDIONET, LLC, BRAEMAR MANUFACTURING,
LLC,**
Plaintiffs-Appellants

v.

INFOBIONIC, INC.,
Defendant-Appellee

2020-1018

Appeal from the United States District Court for the District of Massachusetts in No. 1:15-cv-11803-IT, Judge Indira Talwani.

Decided: July 1, 2020

CHING-LEE FUKUDA, Sidley Austin LLP, New York, NY, argued for plaintiffs-appellants. Also represented by BRADFORD J. BADKE, TODD MATTHEW SIMPSON; NATHAN A. GREENBLATT, Palo Alto, CA; RYAN C. MORRIS, Washington, DC.

MAXIMILIAN A. GRANT, Latham & Watkins LLP, Washington, DC, argued for defendant-appellee. Also

represented by GABRIEL BELL, DIANE GHRIST;
CHRISTOPHER HENRY, CHARLES SANDERS, Boston, MA.

Before LOURIE, DYK, and CHEN, *Circuit Judges*.

LOURIE, *Circuit Judge*.

CardioNet, LLC and Braemar Manufacturing, LLC (collectively “CardioNet”) appeal from a decision of the United States District Court for the District of Massachusetts holding that the asserted claims of U.S. Patents 7,212,850 (“’850 patent”) and 7,907,996 (“’996 patent”) are ineligible for patent under 35 U.S.C. § 101. *CardioNet, LLC v. InfoBionic, Inc.*, No. 1:15-cv-11803-IT, 2018 WL 1542051 (D. Mass. Mar. 29, 2018); *see also CardioNet, LLC v. InfoBionic, Inc.*, No. 1:15-cv-11803-IT, 2018 WL 1788650, at *7 (D. Mass. May 4, 2017). Because the district court did not err, we *affirm*.

BACKGROUND

The parties to this appeal are competitors in the field of mobile cardiac telemetry (MCT). MCT devices monitor the electrical activity of a patient’s heart over an extended period of time, analyze the data for anomalies in the electrical activity, such as cardiac arrhythmias, and wirelessly transmit the data to a remote monitoring station for storage or further analysis. According to CardioNet, continuous monitoring of cardiac electrical signals generates an enormous amount of information—more than can practically be analyzed by a medical technician or physician in real-time. The ’850 and ’996 patents (collectively “the asserted patents”) purport to address this problem by analyzing and displaying cardiac information relating to arrhythmia events and validating the accuracy of the information based on human review of only a small subset of the collected data.

The asserted patents, which derive from the same provisional application and share a substantially identical written description, describe systems and methods “for presenting information relating to heart data.” ’850 patent Abstract.¹ A “monitoring system” collects heart rate data and analyzes the data to identify arrhythmia events. *Id.* col. 3 ll. 8–16. A subset of the collected data is presented to a cardiovascular technician separately to identify arrhythmia events. *Id.* col. 3 ll. 18–22. A “processing system” then compares the events automatically identified by the monitoring system with the human identified events and, if enough of the human identified events match the automatically identified events, the system determines that the data are valid. *Id.* col. 4 ll. 52–56. If the data are determined to be valid, the processing system displays a graph that includes heart rate data as well as “atrial fibrillation burden,” which refers to “the overall amount of time that a patient is in atrial fibrillation (or arrhythmia) over a specified time period.” *Id.* col. 3 ll. 37–42. Figure 2 shows an example of such a graph:

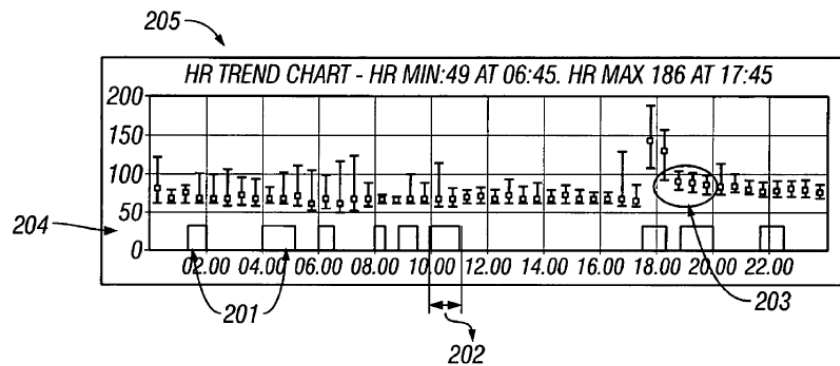


FIG. 2

¹ Because the ’850 and ’996 patents share a substantially identical written description, all citations are to the ’850 patent unless specified otherwise.

According to the patents, by determining the validity of the automatically analyzed data based on a human assessment of only a subset of the data, “the system achieves increased accuracy in the presentation of information relating to arrhythmia events while minimizing the data that the [technician] reviews.” *Id.* col. 4 ll. 61–64.

The district court treated claim 31 of the ’850 patent and claim 12 of the ’996 patent as representative of those asserted, and CardioNet does not challenge that determination on appeal. Claim 31 of the ’850 patent recites:

31. A system for reporting information related to arrhythmia events comprising:

a monitoring system configured to process and report physiological data, including heart rate data, for a living being and configured to identify arrhythmia events from the physiological data;

a monitoring station for receiving the physiological data from the monitoring system;

a processing system configured to receive arrhythmia information from the monitoring system and configured to receive human-assessed arrhythmia information from the monitoring station wherein the human-assessed arrhythmia information derives from at least a portion of the physiological data and wherein the processing system is capable of pictographically presenting, using a common time scale, information regarding the heart rate data during a defined time period and regarding duration of arrhythmia event activity, according to the identified arrhythmia events, during the defined time period such that heart rate trend is presented with arrhythmia event burden.

’850 patent col. 9 ll. 40–60.

Claim 12 of the '996 patent recites similar subject matter:

12. An article comprising a machine-readable medium embodying information indicative of instructions that when performed by one or more machines result in operations comprising:

identifying atrial fibrillation events in physiological data obtained for a living being, wherein identifying atrial fibrillation events comprises examining the physiological data in multiple time intervals, and identifying intervals in which at least one atrial fibrillation event has occurred;

obtaining heart rate data for the living being;

receiving a human assessment of a subset of the identified atrial fibrillation events; and

based on the human assessment of the subset of the identified atrial fibrillation events, pictographically presenting, using a common time scale, information regarding the heart rate data for the multiple time intervals during a defined time period in alignment with indications of atrial fibrillation activity for the identified intervals, according to the identified atrial fibrillation events, during the defined time period such that heart rate trend is presented with atrial fibrillation burden, wherein pictographically presenting information regarding the heart rate data comprises displaying for each of the multiple time intervals a range of heart rates and a heart rate average.

'996 patent col. 6 l. 53–col. 7 l. 11.

CardioNet asserted the '850 and '996 patents, as well as two other CardioNet patents not at issue in this appeal, against InfoBionic in the United States District Court for the District of Massachusetts. *See* Complaint & Jury

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