IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

YODLEE, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 03-0831-CV-W-DW
	)	
BLOCK FINANCIAL CORPORATION and H&R BLOCK GROUP, INC.,	)	
	)	
Defendants.	)	

ORDER

The parties in this patent case appeared before the Court for a Markman hearing on July 12, 2004. See Markman v. Westview Inst., Inc., 517 U.S. 370 (1996). After considering the parties' oral arguments as well as their extensive briefs, the Court orders that the claims involved shall be constructed as follows.

I. Background

This case concerns United States Patent No. 6,317,783 ("the '783 patent"), which was issued to Yodlee, Inc., in October 1998. The patented invention allows an end user to gather personal electronic data from several sources across the Internet, hopefully streamlining the overall process for the end user. In its complaint, Yodlee alleges that the Defendants (hereinafter "Block") are willfully infringing on the '783 patent by continuing to offer their "Auto-Entry" feature on Block's TaxCut and other on-line tax programs.

II. Legal Standards

Although there are several parts of a patent, the claims of a patent "particularly point out and distinctly claim the subject matter which the applicant regards as his invention." Markman, 517 U.S. at 373. "Claim construction" is the judicial statement of what is and is not covered by the technical terms and other words of the claims. In performing this function, claims are to be construed from the vantage point of a person of ordinary skill in the art at the time of the invention. Vitronics Corp. v. Conceptronic, Inc., 90 F.3d 1576, 1582 (Fed. Cir. 1996).

When construing a patent claim, deference must be given to intrinsic evidence, including (1) the language of the claim; (2) the specification contained in the patent; and (3) the prosecution history. Id. at 1582. Unless the intrinsic evidence is "genuinely ambiguous," a court should not rely on extrinsic evidence, such as expert and inventor testimony, in construing claims. Robotic Vision Sys., Inc. v. View Eng'g, Inc., 189 F.3d 1370, 1375 (Fed. Cir. 1999).

"Even within the intrinsic evidence, however, there is a hierarchy of analytical tools. The actual words of the claim are the controlling focus." Digital Biometrics, Inc. v. Identix, Inc., 149 F.3d 1335, 1344 (Fed. Cir. 1998). "[T]he claims of the patent, not its specifications, measure the invention." Smith v. Snow, 294 U.S. 1, 11 (1935). If the claim is unambiguous and clear on its face, the Court need not consider the other intrinsic evidence. Renishaw PLC v. Marposs Societa per Azioni, 158 F.3d 1243, 1248-49 (Fed. Cir. 1998). The language of the claims is given their ordinary meaning. Indeed, the claims "bear a heavy presumption that they mean what they say and have the ordinary meaning that would be attributed to those words by persons skilled in the relevant art." SCS Fitness, Inc. v. Brunswick Corp., 288 F.3d 1359, 1366 (Fed. Cir. 2002).

Assessing the ordinary meaning of a claim term is often determined by referring to its

dictionary definition. See, e.g., National Recovery Techs., Inc. v. Magnetic Separation Sys., Inc., 166 F.3d 1190, 1195 (Fed. Cir. 1999); Texas Digital Sys. v. Telegenix, 308 F.3d 1193, 1204 (Fed. Cir. 2002) (finding dictionaries may be the most meaningful information to aiding judges in the claim construction process). Where a claim term has multiple dictionary definitions, some having no relation to the claimed invention, the intrinsic record must always be consulted to identify which of the different possible dictionary meanings of the claim terms in issue is most consistent with the use of the words by the inventor. Dow Chem. Co. v. Sumitomo Chem. Co., 257 F.3d 1364, 1372-73, (Fed. Cir. 2001). However, if more than one dictionary definition is consistent with the use of the words in the intrinsic record, the claim terms may be broadly construed to encompass all such consistent meanings. Rexnord Corp. v. Laitram Corp., 274 F.3d 1336, 1343 (Fed. Cir. 1999).

In some instances the definition of a claim term is defined by the patentee. "[A] common meaning, such as one expressed in a relevant dictionary, that flies in the face of the patent disclosure is undeserving of fealty." Renishaw PLC, 158 F.3d at 1250; Desper Prods., Inc. v. Osound Labs, Inc., 157 F.3d 1325, 1336-37 (Fed. Cir. 1998) (rejecting the common meaning of "prior to" as inconsistent with the specification and prosecution history). Accordingly, it is proper and often necessary to review the intrinsic evidence to determine whether the patentee has used the claim term in a manner inconsistent with the ordinary meaning or if the patentee, acting as his or her own lexicographer, has clearly set forth an explicit definition of the term different from its ordinary meaning. Texas Digital, 308 F.3d at 1204. However, if the intrinsic evidence is consistent with the dictionary definition, and if there is nothing in the record to suggest that a claim term has a meaning other than what its dictionary definition would suggest,

the dictionary definition will control. Id.

Claims must be read in light of the specification, but limitations from the specification should not be read into the claims. Comark Communs. v. Harris Corp., 156 F.3d 1182, 1186 (Fed. Cir. 1998). It is also improper to construe claims solely in view of the preferred embodiment. Texas Instruments, Inc. v. United States Int'l Trade Comm'n, 805 F.2d 1558, 1563 (Fed. Cir. 1986). "That a specification describes only one embodiment does not require that each claim be limited to that one embodiment." SRI Int'l, Inc. v. Matsushita Elec. Corp., 775 F.2d 1107, 1121 n.14 (Fed. Cir. 1985) (en banc). "The general rule, of course, is that the claims of a patent are not limited to the preferred embodiment, unless by their own language." Karlin Tech., Inc. v. Surgical Dynamics, Inc., 177 F.3d 968, 973 (Fed. Cir. 1999). If an invention is disclosed in the written description in only one exemplary form, the risk of starting with preferred embodiment is that the single form or embodiment so disclosed will be read to require that the claim terms be limited to that single form or embodiment. Texas Digital Sys., 308 F.3d at 1204 (citing Teleflex, Inc. v. Ficosa N. Am. Corp, 299 F.3d at 1328, 63 USPQ2d at 1383).

The final source of intrinsic evidence is a patent's prosecution history. A patent's prosecution history may contain express representations as to claim meanings or may contain limitations to the scope of the claims. Vitronics Corp. v. Conceptronic, Inc., 90 F.3d 1576, 1582 (Fed. Cir. 1996). In order to find that the prosecution history limits claim scope, the statements of the applicant during prosecution must evidence a clear disavowal of claim scope using words of manifest exclusion. Texas Digital, 308 F.3d at 1210. Absent a clear disavowal of claim scope the ordinary meaning of the terms controls the definitions.

A patentee is not entitled to claim the same invention more than once. Accordingly, claims of issued patents are presumed to refer to separate and distinct inventions. The doctrine of claim differentiation states that there is a presumption that each claim in a patent has a different scope. Comark Communs. v. Harris Corp., 156 F.3d 1182, 1187 (Fed. Cir. 1998). Indeed, the Federal Circuit recently "made clear that when a patent claim 'does not contain a certain limitation and another claim does, that limitation cannot be read into the former claim in determining either validity or infringement.'" Amgen, Inc. v. Hoechst Marion Roussel, Inc., 2003 U.S. App. LEXIS 118, *23 (Fed. Cir. 2003) (citing SRI Int'l, 775 F.2d at 1122, 227 USPQ at 586).

III. Disputed Terms

A. Store

Yodlee proposes that "store" be defined as "a storage area." Block's main disagreement with this proposed definition is that it also encompasses non-volatile storage of information, which is "inconsistent with the purpose and novelty of the invention." (Doc. 72 at 8). Yodlee notes that although the examples highlighted by Block do suggest the usefulness of non-volatile storage, Yodlee's expert, Dr. Gordon K. Springer, also gave examples of possible embodiments utilizing volatile storage. The Court agrees with Yodlee that non-volatile storage is not required by the patent and thus, **store** shall be construed to mean

"A storage area."

B. Personal Information Store

Yodlee proposes that "personal information store" be defined as "a storage area accessible by a processor that contains an end user's personal information." Because it is

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