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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNIVERSAL ELECTRONICS, INC.,)
)
 Plaintiff,)
)
 v.)
)
 UNIVERSAL REMOTE CONTROL)
 INC.)
)
 Defendant.)
 _____)

CASE NO. SACV 12-00329 AG (JPRx)

CLAIM CONSTRUCTION ORDER

BACKGROUND

Plaintiff Universal Electronics, Inc. (“Plaintiff”) alleges that Defendant Universal Remote Control, Inc. (“Defendant”) has infringed the following U.S. Patents:

- 5,414,426 (the “‘426 Patent”), titled “Favorite Key Macro Command and Chained Macro Command in a Remote Control”
- 5,568,367 (the “‘367 Patent”), titled “Remote Control with Key Lighting”
- 5,614,906 (the “‘906 Patent”), titled “Method for Selecting a Remote Control Command Set”
- 6,587,067 (the “‘067 Patent”), titled “Universal Remote Control with Macro Command Capabilities”

The parties dispute the meaning of twelve claim terms, and have agreed to the meaning of twenty-four claim terms. (Joint Claim Construction Chart.) The parties presented extensive arguments in their papers and at the hearing. In this Order, the Court determines the proper claim constructions of each disputed term.

LEGAL STANDARD

Claim construction is an issue of law “exclusively within the province of the court.” *Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 372 (1996). Such construction begins with an analysis of the claim language itself, *Interactive Gift Express, Inc. v. Compuserve, Inc.*, 256 F.3d 1323, 1331 (Fed. Cir. 2001), since the claims define the scope of the claimed invention. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005). In construing the claim language, the Court begins with the principle that “the words of a claim are generally given their ordinary and customary meaning.” *Id.* at 1312 (internal quotation marks omitted).

The ordinary and customary meaning is the meaning that the [claim] term would have to a person of ordinary skill in the art in question at the time of the invention.” *Id.* at 1313. “[T]he person of ordinary skill in the art is deemed to read the claim term not only in the context of the

1 particular claim in which the disputed term appears, but in the context of the entire patent.
2 Where the patent itself does not make clear the meaning of a claim term, courts may look to
3 “those sources available to the public that show what a person of skill in the art would have
4 understood the disputed claim language to mean,” including the prosecution history and
5 “extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and
6 the state of the art.” *Id.* at 1314.

7 “In some cases, the ordinary meaning of claim language as understood by a person of
8 skill in the art may be readily apparent even to lay judges, and claim construction in such cases
9 involves little more than the application of the widely accepted meaning of commonly
10 understood words.” *Id.* “In such circumstances general purpose dictionaries may be helpful.”
11 *Id.* at 1314. In other cases, claim terms will not be given their ordinary meaning because the
12 specification defines the term to mean something else. *Novartis Pharms. Corp. v. Abbott Labs.*,
13 375 F. 3d. 1328, 1334 (Fed. Cir. 2004); *Kumar v. Ovonix Battery Co., Inc.*, 351 F.3d 1364, 1368
14 (Fed. Cir. 2003). For the specification to define a term to mean something other than its
15 ordinary meaning, it must set out its definition in a manner sufficient to provide notice of that
16 meaning to a person of ordinary skill in the art. *In re Paulson*, 30 F.3d 1475, 1480 (Fed. Cir.
17 1994).

18 Under 35 U.S.C. § 112, ¶ 6, a patentee may express a claim limitation as “a means or step
19 for performing a specified function without the recital of structure, material, or acts in support
20 thereof.” *Inventio AG v. ThyssenKrupp Elevator Americas Corp.*, 649 F.3d 1350, 1356 (Fed.
21 Cir. 2011). Such limitations, often referred to as “means plus function” claims, “shall be
22 construed to cover the corresponding structure, material, or acts described in the specification
23 and equivalents thereof.” *Id.* Section 112, ¶ 6 applies “only to purely functional limitations that
24 do not provide the structure that performs the recited function.” *DuPuy Spine, Inc. v. Medtronic*
25 *Sofamor Danek, Inc.*, 469 F.3d 1005, 1023 (Fed. Cir. 2006).

1 **ANALYSIS**

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3 **1. '426 PATENT**

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5 The parties dispute the construction of three limitations in claim 10 of the '426 Patent.
6 (Joint Claim Construction Chart 4-6.) Because they appear next to each other in the claim and
7 are closely related, the Court will consider their construction as a group. Claim 10, with the
8 disputed limitations in bold and designated A, B, and C, reads as follows:

9 10. A remote control comprising:

10 a microprocessor including a CPU and memory means;

11 a keyboard coupled to said microprocessor and including a set of keys including
12 number keys and at least one MACRO key;

13 IR lamp driver circuitry coupled to said microprocessor;

14 light emitting means for generating and emitting IR signals coupled to said IR
15 lamp driver circuitry;

16 code data stored in said memory means for creating the IR signals, which are sent
17 by said light emitting means to a controlled device to cause the controlled
18 device to perform specific command functions;

19 a macro entry/definition program stored in said memory means;

20 **[A] means for determining if a predetermined keystroke sequence entered on**
21 **the keyboard is, according to said macro entry/definition program, a**
22 **command to establish a select channel macro;**

23 **[B] means for determining, after a select channel macro command is sensed, if**
24 **one or more of said number keys have been depressed followed by**
25 **depression of the at least one MACRO key; and,**

26 **[C] means for storing the number(s) of the depressed number key or keys in**
27 **association with the at least one MACRO key in said memory means.**
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1.1. Limitations A, B, and C Are All Means Plus Function Limitations

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3 The parties agree that limitations A and B are means plus function terms governed by 35
4 U.S.C. § 112, ¶6 and that the identified structure in the specification includes a microprocessor.
5 Plaintiff argues that limitation C is not a means plus function term. (Pl.’s Opening Claim
6 Construction Br. 11.) Because resolution of that dispute will determine whether means plus
7 function analysis will apply to all three limitations, the Court addresses it first.

8 To decide whether a limitation is subject to means plus function treatment, the Court must
9 first look to the claim terms. “The use of the term ‘means’ triggers a rebuttable presumption that
10 § 112 ¶ 6 governs the construction of the claim term.” *Inventio*, 649 F.3d at 1356 (citing
11 *TriMed, Inc. v. Stryker Corp.*, 514 F.3d 1256, 1259 (Fed. Cir. 2008)).

12 Plaintiff argues that “means for storing the number(s) of the depressed number key or
13 keys in association with the at least one MACRO key in said memory means” is not governed by
14 35 U.S.C. § 112, ¶6 because it “recites the structure (i.e. memory) necessary to perform the
15 recited function.” (Pl.’s Opening Claim Construction Br. 11.) Plaintiff acknowledges that use of
16 the word “means” creates a presumption that 35 U.S.C. § 112, ¶6 applies, but argues that “[i]f, in
17 addition to the word ‘means’ and the functional language, the claim recites sufficient structure
18 for performing the described functions in their entirety, the presumption of § 112 ¶6 is
19 overcome.” (*Id.* (quoting *TriMed, Inc. v. Stryker Corp.*, 514 F. 3d 1256, 1259 (Fed. Cir. 2008).)
20 Plaintiff argues that the recitation of “said memory means” (referencing the structure recited
21 earlier in the claim) is sufficient structure because the parties have agreed that “memory means”
22 needs no construction and is not a means plus function term. (*Id.*) Plaintiff also cites a few
23 cases holding, in the circumstances of those cases, that “memory means” was not a means plus
24 function term. (*Id.*)

25 But whether “memory means” is a means plus function term is not the question. The
26 limitation is “**means for storing** the number(s) of the depressed number key or keys in
27 association with the at least one MACRO key **in** said memory means” (emphasis added). The
28 memory means, standing alone, cannot be the “means for storing the number . . . in the memory

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