

United States Court of Appeals for the Federal Circuit

GE LIGHTING SOLUTIONS, LLC,
Plaintiff-Appellant,

v.

AGILIGHT, INC.,
Defendant-Appellee.

2013-1267

Appeal from the United States District Court for the Northern District of Ohio in No. 12-CV-0354, Judge James S. Gwin.

Decided: May 1, 2014

RICHARD L. RAINEY, Executive Counsel, IP Litigation, General Electric Company, of Fairfield, Connecticut, argued for plaintiff-appellant. With him on the brief were ROBERT J. MCAUGHAN, JR. and JEFFREY A. ANDREWS, Sutton McAughan Deaver PLLC, of Houston, Texas.

JONATHAN D. PAUERSTEIN, Rosenthal Pauerstein Sandoloski Agather LLP, of San Antonio, Texas, argued for defendant-appellee. With him on the brief were HARRY D. CORNETT, JR. and BENJAMIN C. SASSÉ, Tucker Ellis LLP, of Cleveland, Ohio.

Before RADER, *Chief Judge*, MOORE and REYNA, *Circuit Judges*.

Opinion for the court filed by *Circuit Judge* MOORE.

Opinion concurring in part and dissenting in part filed by *Circuit Judge* REYNA.

MOORE, *Circuit Judge*.

GE Lighting Solutions, LLC (GE) appeals from the district court's grant of summary judgment that AgiLight, Inc.'s (AgiLight) accused products and processes do not infringe asserted claims of GE's U.S. Patent Nos. 7,160,140, 7,520,771, 7,832,896, and 7,633,055. We *reverse* the grant of summary judgment with regard to the '140, '771 and '896 patents and *remand*. We *affirm* the grant of summary judgment with regard to the '055 patent.

BACKGROUND

GE sued AgiLight, alleging infringement of various claims of the asserted patents. After claim construction, the parties stipulated to noninfringement of the '140 and '771 patents on the grounds that AgiLight's products do not include an "IDC connector" as construed by the court. The district court entered partial summary judgment consistent with the parties' stipulation. *GE Lighting Solutions, LLC. v. AgiLight, Inc.*, C.A. No. 12-cv-00354-JG (N.D. Ohio Jan. 8, 2013), ECF No. 38. The district court also granted AgiLight's motion for summary judgment of noninfringement of the '896 and '055 patents. *GE Lighting Solutions, LLC. v. AgiLight, Inc.*, C.A. No. 12-cv-00354-JG (N.D. Ohio Mar. 18, 2013), ECF No. 43 (*Summary Judgment Order*). GE appeals. We have jurisdiction under 28 U.S.C. § 1295(a)(1).

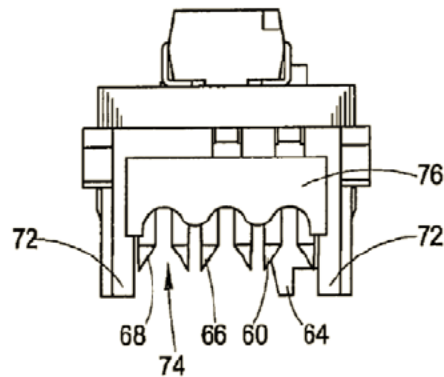
DISCUSSION

We review claim construction *de novo*. *Lighting Ballast Control LLC v. Philips Elecs. N. Am. Corp.*, 744 F.3d 1272, 1276–77 (Fed. Cir. 2014) (en banc). We review the grant of summary judgment under the law of the relevant regional circuit. The Sixth Circuit reviews grants of summary judgment *de novo*. *Moore v. Holbrook*, 2 F.3d 697, 698 (6th Cir. 1993). Summary judgment is appropriate when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Id.*

I. '140 and '771 Patents

The '140 and '771 patents¹ are directed to light-emitting diode (LED) string lights that include an LED, an insulated electrical conductor (*i.e.*, wire), and an insulation displacement connector (IDC connector). '140 patent, Abstract. Power must be provided from the insulated electrical conductor to the LEDs. To accomplish this, the patents disclose an IDC connector with terminals (60, 66, 68) that are electrically connected to the LEDs and configured to displace a portion of the insulation surrounding the electrical conductor. *Id.* col. 4 ll. 5–53, Fig. 6 (reproduced in part below). For example, as a wire is received in channel 74, terminal 68 displaces (*i.e.*, cuts) insulation surrounding the wire to create an electrical connection between the wire and the terminal (and thus the LED). *Id.*

¹ The '771 patent is a continuation-in-part of the '140 patent.



The asserted claims of these two patents recite a string light engine including, among other things, an IDC connector. Claim 1 of the '140 patent is representative (emphases added):

A string light engine comprising:

a flexible insulated electrical conductor;

a first support comprising a dielectric layer and circuitry;

a first IDC connector extending away from the first support and in electrical communication with the circuitry of the first support, *the first IDC connector* comprising a terminal that is inserted into the conductor to provide an electrical connection between the conductor and the circuitry of the first support;

a first LED mounted on the first support and in electrical communication with the circuitry of the first support; and

a first overmolded housing at least substantially surrounding the first support and a portion of the conductor adjacent the first support.

The district court recognized that an “IDC connector” “is commonly used in electrical engineering to connote a

range of devices,” but found that the ’140 and ’771 patents were limited to a “more specialized IDC connector.” *GE Lighting Solutions, LLC v. AgiLight, Inc.*, C.A. No. 12-cv-00354-JG, slip op. at 11 (N.D. Ohio Dec. 13, 2012), ECF No. 32 (*Claim Construction Order*). The court relied on the embodiment disclosed in Figure 6 and limitations of several dependent claims to construe IDC connector as requiring (1) four electrical terminals; (2) a two-part housing that snaps together to enclose three insulated conductors; (3) the snapping together allows the terminals to cut or pierce through the conductor’s insulation while preventing the conductor from moving out of the housing; and (4) a conductive connection between the terminal and the insulated conductor. *Id.* at 11–14. Based on this construction, the parties stipulated to noninfringement.

We hold that the district court incorrectly construed “IDC connector.” There is no dispute that the plain meaning of IDC connector is “a connector that displaces insulation surrounding an insulated conductor to make electrical contact with the conductor.” Appellant’s Br. at 34–35; *see also* Reply Br. at 11–12. Nor is there any dispute that IDC connector is a commonly used term that connotes a range of known devices.

Nothing in the intrinsic record requires a departure from this plain and ordinary meaning. AgiLight is certainly correct that claim terms must be construed in light of the specification and prosecution history, and cannot be considered in isolation. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (en banc). However, the specification and prosecution history only compel departure from the plain meaning in two instances: lexicography and disavowal. *Thorner v. Sony Computer Entm’t Am. LLC*, 669 F.3d 1362, 1365 (Fed. Cir. 2012). The standards for finding lexicography and disavowal are exacting. To act as its own lexicographer, a patentee must “clearly set forth a definition of the disputed claim

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.