UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MARLOWE PATENT HOLDINGS LLC, Plaintiff, v. FORD MOTOR COMPANY, Defendant.	Case No. 3:11-cv-07044-PGS-DEA OPINION

INTRODUCTION

There are two cases wherein Marlowe alleges that several entities infringed upon the '786 patent. One is this case, and the other is *Marlowe Patent Holdings, LLC v. Dice Electronics, LLC*, No. 10-01199 (D.N.J.) ("*Dice Electronics*"). As a result, a *Markman*[1] decision is rendered in each case. On July 31, 2014, the Court conducted a *Markman* hearing for disputed claim terms in U.S. Patent No. 7,489,786, titled "Audio Device Integration System" filed December 11, 2002 ("the '786 Patent"), between Marlowe Patent Holdings LLC (hereinafter "Marlowe") and Ford Motor Company (hereinafter "Ford"). *Marlowe Patent Holdings, LLC v. Ford Motor Co.*, No. 11-07044 (D.N.J.) ("*Ford Motor*"), ECF No. 98. Thereafter, a draft opinion of the *Markman* Ruling was issued to the parties, and a telephone conference was conducted. Based upon all of the proceedings, the Court finalizes its *Markman* Ruling as follows.

In *Ford Motor*, Marlowe and Ford have filed the appropriate *Markman* claim construction briefs, presenting the disputed claim language and the meaning that one of ordinary skill in the art should employ in light of the specification, custom and usage. (*Ford Motor*, ECF No. 90 and 93.) In *Dice Electronics*, LTI Enterprises, Inc. (hereinafter "LTI"), has filed

[1] *Markman v. Westview Instruments*, 517 U.S. 370 (1996).

supplemental *Markman* brief that disputes additional claim language in the '786 Patent. (*Dice Electronics*, ECF No. 221.)

The '786 Patent, issued to inventor Ira Marlowe, pertains to an audio device integration system that enables after-market audio products such as a CD player, a CD changer, an MP3 player, and other auxiliary sources to be connected to, operate with, and be controlled from, an existing stereo system in an automobile. (*Ford Motor*, ECF No. 93, Exhibit A).

This Court has considered the claim construction briefs filed by the parties, and made claim construction determinations for the claim terms that remain in dispute in light of the evidence and arguments presented.

I. STANDARDS FOR CLAIM CONSTRUCTION

There is a two-step analysis for determining patent infringement: "first, the court determines the meaning of the disputed claim terms, then the accused device is compared to the claims as construed to determine infringement." *Acumed LLC v. Stryker Corp*., 483 F.3d 800, 804 (Fed. Cir. 2007) (citation omitted). When the court engages in claim construction to determine the meaning of disputed claim terms, it is decided as a matter of law. *Markman*, 517 U.S. at 372. It is well established that "the construction of a patent, including terms of art within its claim, is exclusively within the province of the court." *Id.* When construing claims, the court must focus on the claim language. As explained by the Federal Circuit:

> It is a bedrock principle of patent law that the claims of a patent define the invention to which the patentee is entitled the right to exclude. Attending this principle, a claim construction analysis must begin and remain centered on the claim language itself, for that is the language the patentee has chosen to particularly point out and distinctly claim the subject matter which the patentee regards as his invention.

Innova/Pure Water, Inc. v. Safari Water Filtration Sys., 381 F.3d 1111, 1115-16 (Fed. Cir. 2004) (citations omitted). When looking at the words of a claim, the words "are generally given their ordinary and customary meaning," which has been defined as "the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-13 (Fed. Cir. 2005), cert. denied, 546 U.S. 1170 (2006). The Federal Circuit has counseled:

> It is the person of ordinary skill in the field of the invention through whose eyes the claims are construed. Such person is deemed to read the words used in the patent documents with an understanding of their meaning in the field, and to have knowledge of any special meaning usage in the field. The inventor's words that are used to describe the invention—the inventor's lexicography—must be understood and interpreted by the court as they would be understood and interpreted by a person in that field of technology. Thus the court starts the decision making process by reviewing the same resources as would that person, viz., the patent specification and prosecution history.

Id. at 1313 (quoting *Multiform Desiccants, Inc. v. Medzam, Ltd.*, 133 F.3d 1473, 1477 (Fed. Cir. 1998)). Those resources, called intrinsic evidence, include the claim language, the specification, and the prosecution history. *See id*. at 1314.

However, when intrinsic evidence alone does not resolve the ambiguities in a disputed claim term, extrinsic evidence—evidence that is outside the patent and prosecution history—may also be used to construe a claim. *See id*. at 1317; *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582-83 (Fed. Cir. 1996). "[E]xtrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art" may be consulted; for example, expert testimony, dictionaries, and treatises. *Phillips*, 415 F.3d at 1314. However, when a court relies on extrinsic evidence to construe a claim, it is guided by the principle that extrinsic evidence may never conflict with intrinsic evidence. *Id*. at 1319. Courts "have viewed extrinsic evidence in

general as less reliable than the patent and its prosecution history in determining how to read claim terms." *Id*. Thus, a court should take care to "attach the appropriate weight to be assigned to those sources." *Id*. at 1322-24.

II. THE DISPUTED CLAIM TERMS – '786 PATENT

A. "Interface"

The '786 Patent relates to an audio device integration system, wherein one or more after-market audio devices such as CD player, CD changer, MP3 player, satellite receiver, digital audio broadcast (DAB) receiver, or the like, (hereinafter "after-market audio device"), can be integrated with factory-installed or after-market car stereo systems. ('786 Patent, col. 1, ll. 5-12; col. 4, ll. 26-32.) The '786 Patent explains that the whole objective of the invention is to "achieve[] integration of various audio devices that are alien to a given OEM[2] or after-market stereo system." ('786 Patent, col. 1, ll. 60-64; *Ford Motor*, Def. Br. at 11.) The disputed claim term is described in all independent device claims, which provides "an *interface*" connected between said first and second electrical connectors.

> an ***interface*** connected between said first and second electrical connectors for channeling audio signals to the car stereo from the after-market audio device, said interface including a microcontroller in electrical communication with said first and second electrical connectors, said microcontroller pre-programmed to execute

('786 Patent, claim 1, l. 8; claim 25, l. 5; claim 44, l. 10; claim 57, l. 5; claim 66, l. 5; claim 76, l. 5; claim 86, l. 6; claim 92, l. 4; claim 99, l. 7 (emphasis added).) The disputed term is also found in the method claims, which recites the step of "providing an *interface* having a first electrical connector connectable to a car stereo…" ('786 Patent, claim 33, l. 3; claim 49, l. 4.)

[2] Original Equipment Manufacturers ("OEM"), '786 Patent, col. 1, ll. 22-23.

Marlowe's proposed construction for the disputed term is—"a device including a microcontroller." (*Ford Motor*, Pl. Br. at 5.) Ford's proposed construction for the disputed term is—"a device ***separate*** from the vehicle and car stereo." (*Ford Motor*, Def. Br. at 7 (emphasis added).) The main dispute between the parties as to this term is whether the interface can be part of the OEM or after-market stereo system, or whether it is separate. (*Ford Motor*, Def. Br. at 8.)

Marlowe argues that if an interface is integrated to a car stereo, the interface ***becomes a part of the "car stereo,"*** based on the definition of the "car stereo" of the '786 Patent. (*Ford Motor*, Pl. Br. at 6 (emphasis added).) The "car stereo" of the '786 Patent is defined such that its configuration determines whether an interface is ***part of the car stereo***. The '786 Patent defines "car stereo" as follows:

> Also, as used herein, the terms "car stereo" and "car radio" are used interchangeably and are intended to include all presently existing car stereos and radios, ***such as physical devices that are present at any location within a vehicle, in addition to software and/or graphically-or display-driven receivers.*** An example of such a receiver is a software-driven receiver that operates on a universal LCD panel within a vehicle and is operable by a user via a graphical user interface displayed on the universal LCD panel. Further, any future receiver, whether a hardwired or a software/graphical receiver operable on one or more displays, is considered within the definition of the terms "car stereo" and "car radio," as used herein, and is within the spirit and scope of the present invention.

('786 Patent, col. 5, ll. 1-14 (emphasis added); *see also* Supp. Joint Claim Construction at 2.) From this disclosure, it is evident that "car stereo" is a physical device present within a vehicle that is a software-driven receiver operating on a universal LCD panel and is operable by a user via a graphical user interface displayed on the universal LCD panel.

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