UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNIVERSAL ELECTRONICS, INC., **Plaintiff,** **v.** **PEEL TECHNOLOGIES, INC.,** **Defendant.**	**CASE NO. SACV 13-01484 AG (JPRx)** **CLAIM CONSTRUCTION ORDER**
PEEL TECHNOLOGIES, INC., **Counterclaim Plaintiff,** **v.** **UNIVERSAL ELECTRONICS, INC.,** **Counterclaim Defendant.**	

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

BACKGROUND

Plaintiff/Counterclaim-Defendant Universal Electronics, Inc. ("UEI") alleges that Defendant/Counterclaim-Plaintiff Peel Technologies, Inc. ("Peel") has infringed U.S. Patent Nos. 6,938,101 ("the '101 Patent"), 7,218,243 ("the '243 Patent"), 7,589,642 ("the '642 Patent"), 7,831,930 ("the '930 Patent"), 7,889,112 ("the '112 Patent"), 7,782,309 ("the '309 Patent"), 7,821,504 ("the '504 Patent"), 7,821,505 ("the '505 Patent"), and 7,999,794 ("the '794 Patent") (collectively, "UEI's Patents-in-Suit"). Peel alleges that UEI has infringed U.S. Patent No. 6,879,351 ("the '351 Patent").

The parties dispute the meaning of eight claim terms, and have agreed to the meaning of six claim terms. (Supp. Joint Claim Constr. Chart, Dkt. No. 50 2.) The briefs and presentation materials submitted by both parties were clear and helpful. In this Order, the Court determines the proper claim constructions of each disputed term.

LEGAL STANDARD

Claim construction is an interpretive issue "exclusively within the province of the court." *Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 372 (1996). It 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 patent right. *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.* (internal quotation marks omitted).

The ordinary and customary meaning of a claim term is the "meaning that the 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 particular claim in which the disputed term appears, but in the context of the entire patent." *Id.* Where the patent itself does not make clear the meaning of a claim term, courts may

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

look to "those sources available to the public that show what a person of skill in the art would have understood the disputed claim language to mean," including the prosecution history and "extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art." *Id.* at 1314.

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

ANALYSIS

1. PROCEDURAL HISTORY

UEI filed this suit on September 23, 2013, alleging infringement of the '101 Patent, the '243 Patent, the '642 Patent, the '930 Patent, and the '112 Patent. (Compl., Dkt. No. 1.) Later, the USPTO completed the substantive portion of its reexamination and confirmed the validity of three additional patents owned by UEI: the '309 Patent, the '504 Patent, and the '505 Patent. Those three patents and the '794 Patent share the same inventor and specification, and are collectively referred to as the "Janik Patents." On April 15, 2014, UEI added the Janik Patents to this lawsuit. (FAC, Dkt. No. 44.) On April 21, 2014, Peel asserted the '351 Patent against UEI in this lawsuit by way of counterclaim, and voluntarily dismissed the separate suit it had

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

filed concerning the '351 Patent. (Answer to FAC, Dkt. No. 45; Notice of Voluntary Dismissal, *Peel Techs., Inc. v. Universal Elecs., Inc.*, SACV 14-0439-AG (C.D. Cal.), Dkt. No. 12.) Thus, this lawsuit involves nine UEI patents and one Peel patent.

2. THE PARTIES AND ACCUSED PRODUCTS

Peel provides "software products called the 'TV App,' 'WatchON App,' and 'Peel Smart Remote App,' which are applications that can be downloaded and used with various mobile devices, including Android mobile phones and tablets such as the Samsung Galaxy" line of products. (UEI's Opening Claim Constr. Br., Dkt. No. 51 1.) Peel also sells a "product called the 'Peel Universal Remote,' consisting of a Peel 'Fruit' hardware device and software [] for use with [Apple's] iOS operating system." (UEI's Opening Claim Constr. Br., Dkt. No. 51 1.) The Peel "Fruit" is an infrared ("IR") hardware component that allows Apple products lacking a built-in IR transmitter (sometimes called a "blaster") to emit IR signals. (UEI's Opening Claim Constr. Br., Dkt. No. 51 1.) IR signals are commonly used by televisions, cable boxes, DVD players, and other audiovisual devices. Peel's applications display icons, and receive inputs via a touch screen. (UEI's Opening Claim Constr. Br., Dkt. No. 51 1.)

UEI alleges that Peel has a web page, help.peel.com/forums, dedicated to instructing end-users how to configure and use the accused Peel products in an infringing manner. (FAC, Dkt. No. 44 18.)

Peel alleges that UEI infringes the '351 Patent through the use and sale of remote controls. (Am. Answer and Countercl., Dkt. No. 45 20.) UEI sells its products to some of the largest original equipment manufacturers in the consumer electronics and personal computing fields, including Sony, Panasonic, and Toshiba, as well as to multiple system operators in the cable and satellite markets, including Comcast, DirecTV, and Dish Network. (Am. Answer and Countercl., Dkt. No. 45 20.)

Peel alleges that documentation accompanying the accused UEI products and UEI's websites (including uei.com, urcsupport.com, and oneforall.com) provide step-by-step

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

instructions on how an end-user should configure and use the accused UEI products in a manner that directly infringes the '351 Patent. (Am. Answer and Countercl., Dkt. No. 45 21.)

3. AGREED TERMS

The parties agreed to the construction of six terms:

Patent/Claim	Term	Agreed Construction
'101 Patent claim 6	mark-up language formatted page tag	an element of a mark-up language formatted page including a start tag, at least the first and second data fields, and an end tag
'504 Patent claims 1 and 8	static touch	a non-moving contact with a surface at a location
'930 Patent claim 1	in response, using the input to select at least one of the plurality of lists of favorite channels	the mode specifying input automatically selects at least one of the favorite channels lists
'243 Patent claims 1 and 8	control codes to which the appliance is adapted to respond	more than one control code to which the appliance is adapted to respond
'112 Patent claims 1 and 2	keycode link information	data that defines a relationship, distinct from a link between a physical/soft key and a function to be performed
'351 Patent claims 1 and 18	associating/associate the first one of the plurality of user input classes with the first one of the plurality of second/target devices	creating an association between the first one of the plurality of user input classes with the first one of the plurality of second/target devices

(Joint Claim Constr. Chart, Dkt. No. 49 2; Supp. Joint Claim Constr. Chart, Dkt. No. 50 2.)

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.