

1 **BACKGROUND**

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

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

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15 **LEGAL STANDARD**

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17 Claim construction is an interpretive issue “exclusively within the province of the court.”
18 *Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 372 (1996). It begins with an analysis of
19 the claim language itself, *Interactive Gift Express, Inc. v. Compuserve, Inc.*, 256 F.3d 1323,
20 1331 (Fed. Cir. 2001), since the claims define the scope of the patent right. *Phillips v. AWH*
21 *Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005). In construing the claim language, the Court
22 begins with the principle that “the words of a claim are generally given their ordinary and
23 customary meaning.” *Id.* (internal quotation marks omitted).

24 The ordinary and customary meaning of a claim term is the “meaning that the term would
25 have to a person of ordinary skill in the art in question at the time of the invention.” *Id.* at 1313.
26 “[T]he person of ordinary skill in the art is deemed to read the claim term not only in the context
27 of the particular claim in which the disputed term appears, but in the context of the entire
28 patent.” *Id.* Where the patent itself does not make clear the meaning of a claim term, courts may

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

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

17 ANALYSIS

19 **1. PROCEDURAL HISTORY**

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21 UEI filed this suit on September 23, 2013, alleging infringement of the ‘101 Patent, the
22 ‘243 Patent, the ‘642 Patent, the ‘930 Patent, and the ‘112 Patent. (Compl., Dkt. No. 1.) Later,
23 the USPTO completed the substantive portion of its reexamination and confirmed the validity of
24 three additional patents owned by UEI: the ‘309 Patent, the ‘504 Patent, and the ‘505 Patent.
25 Those three patents and the ‘794 Patent share the same inventor and specification, and are
26 collectively referred to as the “Janik Patents.” On April 15, 2014, UEI added the Janik Patents
27 to this lawsuit. (FAC, Dkt. No. 44.) On April 21, 2014, Peel asserted the ‘351 Patent against
28 UEI in this lawsuit by way of counterclaim, and voluntarily dismissed the separate suit it had

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

4 5 **2. THE PARTIES AND ACCUSED PRODUCTS**

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

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

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

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

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

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4 **3. AGREED TERMS**

5 The parties agreed to the construction of six terms:

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7 Patent/Claim	Term	Agreed Construction
8 '101 Patent 9 claim 6	mark-up language formatted page tag	an element of a mark-up language formatted page including a start tag, at least the 10 first and second data fields, and 11 an end tag
12 '504 Patent 13 claims 1 and 8	static touch	a non-moving contact with a surface at a location
14 '930 Patent 15 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
16 '243 Patent 17 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
18 '112 Patent 19 claims 1 and 2	keycode link information	data that defines a relationship, distinct from a link between a 20 physical/soft key and a function to be performed
21 '351 Patent 22 claims 1 and 18	associating/associate the first one of the plurality of user input classes with the first one of the plurality of 23 second/target devices	creating an association between the first one of the plurality of user input classes with the first 24 one of the plurality of second/target devices

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

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