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NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

CARL M. BURNETT,
Plaintiff-Appellant

v.

**PANASONIC CORPORATION, PANASONIC
CORPORATION OF NORTH AMERICA,
PANASONIC INTELLECTUAL PROPERTY
CORPORATION OF AMERICA,**
Defendants-Appellees

2018-1234

Appeal from the United States District Court for
the District of Maryland in No. 8:17-cv-00236-PX,
Judge Paula Xinis.

Decided: July 16, 2018

CARL M. BURNETT, Silver Spring, MD, pro se.

JOSEPH CASINO, Wiggin and Dana LLP, New York,
NY, for defendants-appellees. Also represented by MI-
CHAEL J. KASDAN; BENJAMIN M. DANIELS, New Haven,
CT.

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Before O'MALLEY, CLEVINGER, and REYNA, *Circuit Judges*.

PER CURIAM.

Carl M. Burnett (“Burnett”) appeals an order of the United States District Court for the District of Maryland dismissing Burnett’s amended complaint for failure to state a claim upon which relief can be granted. *Burnett v. Panasonic Corp.*, No. 17-cv-0236 (D. Md. Nov. 1, 2017) (“*District Court Decision*”). Specifically, because the district court held that claims 1 and 9 of U.S. Patent No. 7,107,286 (“the ’286 patent”) are invalid as directed to ineligible subject matter under 35 U.S.C. § 101, it concluded that dismissal pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure was appropriate. Burnett argues that the asserted claims are patent-eligible, that the district court erred procedurally when it failed to construe five allegedly disputed claim terms, and that the district court violated Burnett’s due process rights when it failed to hold Rule 12(b)(6) and claim construction hearings. We *affirm*.

I

Burnett sued Panasonic Corporation (“Panasonic”) for infringement of independent claims 1 and 9 of the ’286 patent, which recite:

1. A geospatial media recorder, comprising:
converting means for converting longitude
and latitude geographic degree, minutes, and

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seconds (DMS) coordinate alphanumeric representations or decimal equivalent geographic coordinate alphanumeric representations and altitude alphanumeric representations into individual discrete all-natural number geographic coordinate and measurement representations; and combining means for concatenating the individual discrete all-natural number geographic coordinate and measurement representations into a single discrete all-natural number geospatial coordinate measurement representation for identification of a geospatial positional location at, below, or above earth's surface allowing user to geospatially reference entities or objects based on the identified geospatial positional location and point identification.

* * *

9. A geospatial information processing method comprising:

converting latitude and longitude geographic degree, minutes, and seconds (DMS) coordinate alphanumeric representations or decimal equivalent geographic coordinate alphanumeric representations and altitude alphanumeric representations into individual discrete all-natural number geographic coordinate and measurement representations; and

concatenating the individual discrete all-natural number geographic coordinate and measurement representations into a single

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discrete all-natural number geospatial coordinate measurement representation for identification of a geospatial positional location at, below, or above earth's surface allowing a user to geospatially reference entities or objects based on the identified geospatial positional location and point identification.

'286 patent, col. 13, l. 60–col. 14, l. 9; *id.* at col. 15, ll. 5–21.

Panasonic moved to dismiss for failure to state a claim upon which relief can be granted. In his response to Panasonic's motion to dismiss, Burnett proposed constructions of certain claim terms, which Panasonic did not dispute, Suppl. J.A. 671–672. First, Burnett proposed construing the preamble of claim 1, “geospatial media recorder,” as limiting and to mean “[a] video camcorder that has a receiving station to receive geospatial information and a video encoder to encode geospatial information, the GEOCODE®, onto video at the time of video acquisition.” Suppl. J.A. at 654. Burnett also proposed construing at least a portion of the preamble of claim 9, “geospatial information,” as limiting and to mean “[s]atellite navigation systems data concerning geospatial entities obtained through a variety of methods. . . .” Suppl. J.A. at 653. Next, Burnett proposed construing “concatenating,” which appears in both claims, as “[a] programming process that is the operation of joining two strings together. . . .” Suppl. J.A. at 653. Burnett also proposed construing “converting,” which appears in both claims, as “[t]he computer

process of taking geospatial positioning representations in Degree-Minute-Second, or Decimal Degree, and altimetric format and other geospatial information and changing these geospatial positioning entities into an all-natural number that can be used to create a geospatial coordinate, the GEOCODE® for use as a data segment or object in geospatial information system processing operations and analysis.” Suppl. J.A. at 654. Finally, Burnett proposed construing “geospatial positional location and point identification” as “[t]he vertex of the planular geospatial measurement representations of longitude and/or latitude and/or altitude and/or other measurement representations.” Pl.’s Sur-reply in Opp’n to Def.’s Mot. to Dismiss, *Burnett v. Panasonic Corp.*, No. 17-cv-0236, at 15 n. 1 (D. Md. Apr. 21, 2017), ECF No. 23-1.

In its decision, the district court first found that the claims are directed to a patent-ineligible mathematical methodology “for converting geographic coordinates into alphanumeric representations.” *District Court Decision*, at 10. Next, the district court found that any additional features of the asserted claims, such as limitations directed to using a computer to implement the mathematical methodology, do not transform the nature of claims into patent-eligible concepts. *Id.* at 11–13. In its analysis, the district court acknowledged and implicitly accepted Burnett’s proposed claim constructions. *Id.* at 9 n.6. The district court concluded that the asserted claims are patent-ineligible and dismissed Burnett’s amended complaint pursuant to Rule 12(b)(6). Burnett appeals. We have jurisdiction

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