

INTERDIGITAL COMMUNICATIONS, LLC. v. INTERNATIONAL TRADE COMMISSION,
Appeal No. 2010-1093 (Fed. Cir. August 1, 2012) Before Newman, Mayer, and Bryson.
Appealed from ITC (Administrative Law Judge Luckern).

Background:

InterDigital filed a complaint with the International Trade Commission ("ITC") asserting that Nokia had imported cellular handsets that infringed InterDigital's patents. The patents included an independent claim that recited the term "code" and a dependent claim that recited "[t]he subscriber unit of claim 1 wherein the same code is a spreading code." The ITC construed the term "code" to mean only "spreading code" and concluded that Nokia's cellular handsets did not infringe because Nokia's wireless communication initiation system did not use "spreading code," which it construed to be a code "used or intended to be used to increase the bandwidth of another signal."

Issue/Holding:

Did the ITC err in construing the terms "code" and "spreading code" in reaching its decision of non-infringement by Nokia? Yes, vacated and remanded.

Discussion:

The Federal Circuit held that the ITC erred in its construction of "code," in part because the ordinary meaning of "code" was broader than "spreading code." The Federal Circuit indicated that the "record reflects that the plain meaning of 'code' to one of skill in the cellphone communications art is a sequence of bits (if the ones and zeros are transmitted at the 'data rate') or chips (if the ones and zeros are transmitted at the faster 'chip rate')." Claim terms are generally given their ordinary meaning as understood by persons skilled in the art in question at the time of the invention absent a patentee acting as his own lexicographer or disavowing the ordinary scope of the claim term.

In addition, the ITC's construction of the term "code" was incorrect because such a construction in effect rendered the dependent claim superfluous as having identical scope as the independent claim. The doctrine of claim differentiation is strongest in cases like this where "the limitation in dispute is the only meaningful difference between an independent and dependent claim, and one party is urging that the limitation in the dependent claim should be read into the independent claim."

The Federal Circuit also held that the ITC's construction of "spreading code" was inconsistent with the usage of that term in the specification and would effectively exclude both preferred embodiments from the scope of the claims.