

LIGHTING BALLAST CONTROL v. PHILIPS ELECTRONICS, Appeal No. 2012-1014 (Fed. Cir. June 23, 2015). Before Reyna, Lourie, and O'Malley. Appealed from N.D. Tex. (Judge O'Connor).

Background:

Lighting Ballast sued Universal Lighting Technologies ("ULT"), asserting infringement of its patent. At trial, ULT argued that the term "voltage source means" in the patent's claims was governed by 35 U.S.C. §112 ¶ 6 and that the claims were invalid under 35 U.S.C. §112 ¶ 2 because no corresponding structure for "voltage source means" was disclosed in the specification of the patent. Initially, the district court agreed with ULT, finding that the claims of Lighting Ballast's patent were invalid. However, based on a motion for reconsideration by Lighting Ballast, the district court reversed itself, finding that its construction of "voltage source means" was incorrect and that its prior ruling "unduly discounted the unchallenged expert testimony" and "exalted form over substance and disregarded the knowledge of a person of ordinary skill in the art." Thus, the district court held that the term "voltage source means" had sufficient structure to avoid 35 U.S.C. §112 ¶ 6 and was valid under 35 U.S.C. §112, ¶ 2. ULT appealed.

On appeal, the Federal Circuit reversed the district court, holding Lighting Ballast's patent invalid. Further, the Federal Circuit found that claim construction of the term "voltage source means" was an issue of law that is reviewed de novo. In response, Lighting Ballast filed a petition for a writ of certiorari with the Supreme Court, which was granted.

The Supreme Court vacated the opinion of the Federal Circuit, and remanded the case to the Federal Circuit for further consideration in light of the Supreme Court's opinion in *Teva Pharmaceuticals USA, Inc. v. Sandoz Inc.* In *Teva*, the Court held that while the ultimate question of the proper construction is a legal question that is reviewed de novo, there may be underlying "subsidiary" factual findings by the district court that are reviewed for clear error.

Issue/Holding:

Is the term "voltage source means" indefinite in light of the standard of appellate review of district court claim construction decisions set forth by the Supreme Court in *Teva*? No.

Discussion:

On remand, the Federal Circuit examined the record at trial to determine whether there were "subsidiary" factual findings by the district court relating to the construction of the term "voltage source means" that should be reviewed for clear error. Based on Lighting Ballast's expert testimony, the Federal Circuit found that the district court made factual findings that one of skill in the art would understand the claimed "voltage source means" corresponds to a rectifier. Applying the standard in *Teva*, the Federal Circuit then noted that it would defer to these factual findings, absent a showing that the factual findings were clearly erroneous.

Accordingly, the Federal Circuit affirmed the district court's decision because the district court's factual findings demonstrated that the claims conveyed sufficient structure and the district court was correct to conclude that the term "voltage source means" was not governed by §112 ¶ 6.