

MFORMATION TECH., INC v. RESEARCH IN MOTION INC., Appeal Nos. 2012-1679, 2013-1123 (Fed. Cir. August 22, 2014). Before Prost, Schall and Hughes. Appealed from N.D. Cal. (Judge Chen).

Background:

Mformation (MT) sued Research in Motion (now BlackBerry) for infringement. After a claim construction hearing, the district court construed the "establishing a connection between the wireless device and server" as meaning initiating wireless communication between a wireless device and a server. A jury found infringement of all claims and returned a verdict for MT. After trial, the district court refined the claim construction to mean that the "establishing a connection" step must be completed before the "transmitting" sub-step. BlackBerry filed a motion for JMOL, arguing that MT failed to provide any evidence that a connection is completely established before the start of the transmission sub-step. BlackBerry was granted JMOL and a conditional new trial. MT moved for a new trial, arguing that the district court changed the claim construction post-verdict, the order of steps requirement is missing from the claims, and the issue was not presented to the jury. MT's motion for a new trial was denied, and MT appealed.

Issue/Holding:

Did the district court err in in granting JMOL of non-infringement to BlackBerry? No, affirmed.

Discussion:

MT argued that the original claim construction meant that transmitting of the command could commence once a connection was initiated, but not necessarily fully established, while the post-verdict claim construction meant that the connection must be fully established before transmitting of the command could commence. MT argued that this claim construction is different, and the issue of the connection first being fully established was not presented to the jury. BlackBerry argued that the jury was properly instructed that the "initiating a connection" step must be completed before the "transmitting" step.

The Federal Circuit agreed that the district court at most only clarified, but did not change, its claim construction post-verdict to require that "a connection between the server and the wireless device must be established before transmission of a command is commenced." The jury instructions included statements that the connection must be fully established, not just initiated, before the transmitting step. The Federal Circuit thus concluded that the district court did not alter its claim construction post-verdict.

As to the claim construction itself, the Federal Circuit agreed with the district court's construction. If a fully established connection was not required, then the claim limitation would be superfluous as transmitting a command would necessarily require a connection. Also, the specification supported the conclusion that a fully established connection is required. Further, the other steps in the claim necessarily imply an order-of-steps approach.