

VEDERI, LLC v. GOOGLE, INC., Appeal No. 2013-1057, -1296 (Fed. Cir. March 14, 2014).
Before Rader, Dyk, Taranto. Appealed from C.D. Cal. (Judge Kozinski).

Background:

Vederi sued Google, alleging Google's "Street View" infringed several of Vederi's patents related to creating synthesized images of a geographic area through which a user may visually navigate. The claims of the asserted patents recite "images depicting views of objects in the geographic area, the views being *substantially elevations* of the objects in the geographic area."

The district court construed this language to mean vertical flat depictions of front or side views of objects, not curved or spherical depictions. The district court reached its conclusion based on its analysis that the asserted patents did not disclose curved or spherical views. The district court concluded that because Street View only displays curved views, it does not contain the "substantially elevations" limitation, and therefore does not literally infringe. The district court also found no infringement under the doctrine of equivalents, and entered summary judgment in favor of Google. Vederi appealed.

Issue/Holding:

Whether the district court erred in its claim construction and finding of non-infringement? Yes, reversed, vacated and remanded.

Discussion:

The district court based its construction largely on extrinsic evidence of the meaning of "elevations" as an architectural term of art. The Federal Circuit stated the district court erred by not sufficiently considering the intrinsic evidence. The district court improperly construed "elevation" alone in the strict sense, giving no effect to the "substantially" modifier. "A claim construction that gives meaning to all the terms of the claim is preferred over one that does not do so." The Federal Circuit stated "substantially" takes on important meaning when read in light of the specification, which discloses embodiments using cameras with fish-eye lenses, supporting a claim construction including spherical or curved views. The provisional application to the asserted patents also disclosed synthesizing 360° panoramic views using several cameras.

The Federal Circuit disagreed with Google's contention that Vederi disavowed a claim construction including curved or spherical images. Google argued the disclosure of the specification disavowed sampling "on the surface of an imaginary sphere surrounding the object" as "computationally intensive and . . . cumbersome." The Federal Circuit noted, however, that the cited passage referred to sampling an object using cameras placed in a sphere and looking inward. Thus, the record viewed in its entirety and with reference to the proper context does not contain a clear and unmistakable disavowal of curved or spherical depictions. The Federal Circuit held that, to the contrary, the proper claim construction is "front and side views of the objects."

The Federal Circuit reversed the district court's claim construction, vacated the finding of non-infringement and remanded for proceedings consistent with the opinion.