

AZURE NETWORKS, LLC v. CSR PLC, Appeal No. 2013-1459 (Fed. Cir. November 6, 2014).
Before Reyna, Mayer, and Chen. Appealed from E.D. Tex. (Judge Schneider).

Background:

Azure sued CSR for infringement of its patent claims directed to a wireless communications network between a central hub device and various peripheral devices. At issue was the claim term, "MAC addresses." At the time of invention, the conventional meaning of "MAC address" (a Media or Medium Access Control address) was a unique identifier of a wireless device that could be generated either by the manufacturer of the device (universally) or by the local network. However, the district court held that Azure acted as its own lexicographer by redefining the claimed "MAC address" to refer only to a hub-generated local address. Azure stipulated to a judgment of noninfringement under the district court's construction of "MAC address" and appealed.

Issue/Holding:

Did the district court err in its construction of the term "MAC address" as a device identifier that can *only* be generated locally by the hub device even though the ordinary and customary meaning included either local or universal MAC addresses? Yes, vacated and remanded.

Discussion:

Departure from the ordinary and customary meaning of a claim term is permissible only when the patentee has acted as his own lexicographer or disavowed claim scope in the specification or the prosecution history. For a patentee to act as his own lexicographer and give a term something other than its well-established meaning, he must clearly and with reasonable deliberateness and precision set forth the definition. The majority opined that the specification's single, cursory use of "Media Access (MAC) address" - dropping the word "Control" - was not a strong enough suggestion that the patentee intended to redefine the term "MAC address" to have a narrower definition than its ordinary and customary meaning.

The majority also found that there was no disavowal of claim scope in the specification or during the prosecution history. Even though there was no specific reference to universally generated MAC addresses in the specification, the majority held that using a term in the same manner in all disclosed embodiments is not by itself sufficient to redefine a term of art. Furthermore, the majority noted that nothing in the specification excludes universal addresses or states that a hub-generated MAC address is a critical feature, and nothing in the prosecution history demonstrates an attempt to distinguish over prior art for lacking a hub-generated MAC address. As such, the majority adopted Azure's proposed construction of "MAC address," which included both local and universal addresses.

Judge Mayer dissented, arguing that Azure's patent neither contemplates nor enables a universally generated MAC address as the patent uses the term "MAC address" repeatedly and without exception to refer to a hub-generated local address. Judge Mayer contended that the fact that patentees dropped the word "control" from "Media Access *Control* address" significantly indicates that they were not relying on any purported industry definition but were instead using the term consistently with the disclosure in the specification to refer to a hub-generated local address.