

TRITON TECH OF TEX., LLC, v. NINTENDO OF AM., INC., Appeal No. 2013-1476 (Fed. Cir. June 13, 2014). Before Moore, Reyna, and Hughes. Appealed from W.D. Wash. (Judge Jones).

Background:

Triton sued Nintendo for infringing claims of its patent directed to a 3D controller. Nintendo argued that the claims of Triton's patent were indefinite because each of the asserted independent claims recited the term "integrator means," without providing sufficient structural support for what was meant by the term. The district court agreed with Nintendo and held that the lack of a disclosed algorithm for the claimed integration function rendered the patent claims indefinite.

Issue/Holding:

Did the district court err in holding Triton's patent claims invalid? No, affirmed.

Discussion:

The Federal Circuit agreed with the district court that Triton's patent claims were indefinite because the specification did not provide support for the term "integrator means." 35 U.S.C. §112, sixth paragraph, allows a claim feature to be expressed as a means-plus-function element. However, the patent specification must disclose with sufficient particularity the corresponding structure for performing the claimed function and clearly link that structure to the function.

Triton conceded that the corresponding structure for the recited "integrator means" is a conventional microprocessor, and asserted that the specification disclosed an algorithm with enough specificity to render the claims definite. In its defense, Triton asserted two arguments.

First, Triton argued that the specification disclosed that the integrator means involved "numerical integration," which one having ordinary skill would understand as an algorithm for "integrator means." However, the Federal Circuit stated that this disclosure was hardly more than a restatement of the integrating function itself and that disclosing a broad class of algorithms placed no limitations on how values were calculated. The Federal Circuit further stated that the fact that various numerical integration techniques were known did not rescue the claims because a bare statement that known techniques may be used did not disclose structure.

Second, Triton argued that its patent specification disclosed a two-step algorithm for accomplishing the integrating function ((i) sample measured values over time, and (ii) accumulate by continuously summing areas defined by the values). However, the Federal Circuit held that Triton had waived this argument because it was not raised at the district court level.