

GOLDEN BRIDGE TECHNOLOGY, INC. v. APPLE INC., Appeal No. 2013-1496 (Fed. Cir. July 14, 2014). Before Moore, Mayer, and Chen. Appealed from D. Del. (Judge Robinson).

Background:

Plaintiff and Defendant have been involved in multiple litigations relating to patents directed to an improvement to a Code Division Multiple Access (CDMA) system. In the present litigation, Plaintiff owns the asserted patents (which are directly related to the previously asserted patents) directed to an improvement to a CDMA system. The new claims at issue in the present litigation were issued on applications that were pending during a previous litigation between the two parties involving one of Plaintiff's related patents. During the previous litigation, the parties stipulated as to the construction of one of the claim terms now also at issue in the asserted claims of the present litigation. During prosecution of the applications, plaintiffs filed an IDS in which a claim construction order (and stipulated definition of a claim term at issue in the present litigation) from the previous litigation was submitted for consideration by the PTO.

After construing claim terms and determining that the stipulated definition from the previous litigation was still applicable to the new claims of the present litigation, the district court granted summary judgment of non-infringement in Defendant's favor and denied Plaintiff's motion for reconsideration. Plaintiff appealed.

Issue/Holding:

Did the district court err in determining that the stipulated definition from the previous litigation was still applicable to the new claims of the present litigation and granting summary judgment in Defendant's favor? No, affirmed.

Discussion:

The Federal Circuit rejected Plaintiff's arguments that the district court's construction departs from the plain meaning of the claim term at issue, and that there is no lexicography or disclaimer that would merit this departure. The fact that the stipulation was contained in documents accompanying the IDS did not change the Federal Circuit's determination that Plaintiff's IDS submissions (during prosecution) of its stipulated construction for the claim term at issue constitutes disclaimer. The Federal Circuit also determined that there was no meaningful difference between limiting claim scope based on an applicant's stipulations contained in IDS documents and an applicant's remarks contained in the IDS itself.

While applicants may rescind a disclaimer during prosecution, the Federal Circuit found that Plaintiff did not avail itself of this route and never notified the PTO that it sought a meaning (of the claim term at issue) that was different from its stipulated construction. Thus, the Federal Circuit held that Plaintiff's submission of its stipulation to the PTO constituted a clear and unmistakable disclaimer of the broader claim scope that Plaintiff sought in the present litigation.