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MOBILEMEDIA IDEAS LLC v. APPLE, INC., Appeal Nos. 2014-1060, 1091 (Fed. Cir. March 17, 2015).  Before Taranto, Bryson and Chen.  Appealed from D. Del. (Judge Robinson).

Background:

MobileMedia asserted four patents against Apple's iPhone.  Before trial, the district court granted Apple's motion for noninfringement of one of the patents.  Subsequently, the jury found the remaining three patents not invalid and infringed, but Judge Robinson overturned one of those findings/judgments.  Apple appealed as to two patents, while MobileMedia appealed as to the other two patents.

Issues/Holdings:

Would the '068 and '075 patents have been obvious? Yes, affirmed as to '075, and reversed as to '068.  Did Judge Robinson err in overturning one of the jury's findings of infringement? No, affirmed.  Did the trial court err in construing the means-plus-function language in the summary judgment noninfringement dismissal? Yes, reversed and remanded.

Discussion:

The Federal Circuit held that MobileMedia's lack of expert rebuttal testimony required findings of obviousness.  Thus, regarding the '068 "call handling" patent, the Federal Circuit held that, despite MobileMedia's expert's conclusory statement that "I don't see evidence of that," no reasonable jury could find the claim nonobvious.  Thus, agreeing with Apple's arguments, the Federal Circuit reversed the jury's finding that the patent claim was not invalid.  The Federal Circuit also affirmed the post-trial ruling of invalidity of the '075 "call rejection" patent by reasoning that MobileMedia's expert failed to counter Apple's expert's arguments.

Regarding the '078 "camera phone" patent, Apple's iPhone had not infringed.  Specifically, the claim required that the "means for processing and for storing" images had to be comprised in the camera unit.  Thus, Apple's iPhone camera module, which undisputedly had no internal memory to store image data, could not infringe (under this means-plus-function construction).  Accordingly, the trial court's infringement judgment was reversed.

Finally, the summary judgment dismissal was reversed (and remanded) because of improper means-plus-function claim construction.  In particular, regarding the '231 "silencing the ringtone" patent, MobileMedia persuasively convinced the Federal Circuit that the district court had improperly construed a "control means" (means-plus-function) for changing a volume of a generated sound alert to be only reducing the audio level to zero.  The Federal Circuit agreed with MobileMedia that the "control means" may also include the on/off alternative.  Thus, the Federal Circuit reversed the dismissal and remanded the case to allow the trial court to consider this alternative means-plus-function claim construction, which it had not previously considered.