

MEDIA RIGHTS TECHNOLOGIES, INC. v. CAPITAL ONE FINANCIAL CORP., Appeal No. 2014-1218 (Fed. Cir. September 4, 2015). Before O'Malley, Plager, and Taranto. Appealed from E.D. Va. (Judge Trenga).

## Background:

Media Rights owns a patent claiming a method of preventing unauthorized recording of electronic media, including a step of activating a "compliance mechanism." Media Rights sued Capital One for infringing its claims. Capital One filed a motion for judgment on the pleadings that Media Rights' asserted claims were invalid. All of Media Rights' asserted claims recite a "compliance mechanism." The District Court interpreted the claimed "compliance mechanism" as a means-plus-function element under §112(f), and held the claims indefinite under §112(b) for lacking structural support in the specification. Media Rights appealed.

## Issues/Holdings:

Did the District Court err in holding that the claimed "compliance mechanism" was: 1) a means-plus-function element under §112(f); and 2) indefinite under §112(b)? No, affirmed.

## Discussion:

Applying *Williamson*, the Federal Circuit reasoned that the use of the term "mechanism" instead of "means" did not avoid means-plus-function interpretation because "mechanism" did not recite sufficient structure to perform the claimed functions of the "compliance mechanism." Further, the Federal Circuit reasoned that the claims failed to otherwise recite sufficient structure for performing the functions of the "compliance mechanism" element to avoid means-plus-function interpretation. The Federal Circuit rejected Media Rights' arguments that the specification's disclosure of the compliance mechanism's functions, connections and interactions with other parts of the system, and structural subcomponents, supported a conclusion that the claim term "compliance mechanism" recited sufficient structure to avoid means-plus-function interpretation.

After affirming that "compliance mechanism" was a means-plus-function element under §112(f), the Federal Circuit held that "compliance mechanism" was indefinite under §112(b). The Federal Circuit reasoned that the disclosed structure for performing the claimed functions of the "compliance mechanism" was a general-purpose computer and the specification failed to disclose algorithms for performing three of the four claimed functions of the "compliance mechanism." For two of the functions that required "diverting a data pathway," Media Rights referred to source code listed in the specification as providing the corresponding algorithms. The Federal Circuit held that the source code failed to disclose corresponding algorithms, relying on expert testimony that the source code would return error messages instead of perform the claimed functions. For the third function that required "monitoring" the data pathway, Media Rights referred to a set of rules listed in the specification for ensuring that there were no unauthorized recordings of electronic media. The Federal Circuit held that the set of rules did not disclose a corresponding algorithm, because the specification lacked a detailed description of the rules themselves or how the compliance mechanism determined whether the rules were being enforced.