

MCRO, INC. v. BANDAI NAMCO GAMES AM. INC., Appeal Nos. 2015-1080 through -1090 and -1092 through -1101 (Fed. Cir. September 13, 2016). Before Reyna, Taranto, and Stoll. Appealed from C.D. Cal. (Judge Wu).

Background:

McRO sued numerous video-game developers for infringement of two of its patents that related to automating preexisting animation software for lip synchronization and facial expression of 3D characters.

Existing animation methods required that an animator manually manipulate the character model at key points in time until it "looked right," and a computer would then interpolate between the values assigned to the "drawn" expressions to transition between each facial expression. This method was tedious and inaccurate.

The claimed method automated the animator's tasks by applying rules to a timed transcript. The rules produced more realistic speech by "taking into consideration the differences in mouth positions for similar phonemes based on context." Although the representative claim did not recite a specific set of rules, the rules were limited in that they defined weight values for different "phonemes" and were to be applied against a "plurality of sub-sequences" of a timed data file of phonemes.

The defendants jointly filed a motion for judgment on the pleadings that the asserted claims were directed to patent-ineligible subject matter under §101. The district court granted the motion, holding that the claims were too broadly preemptive. In particular, the court held that because the claims were not limited to specific rules, the claims merely called for the abstract idea of using rules. McRO appealed.

Issue/Holding:

Did the District Court err in granting the motion on the pleadings that the asserted claims are invalid? Yes, reversed and remanded.

Discussion:

In analyzing the claims under the first step of the *Alice* test, the Federal Circuit considered whether the claims "focus on a specific means or method that improves the relevant technology or are instead directed to a result or effect that is itself an abstract idea." The Federal Circuit characterized the claimed method as using "a combined order of specific rules that renders information into a specific format that is then used and applied to create desired results." Thus, the court determined that the claims focused on a specific method that improves the relevant technology: synchronization of animated characters.

Additionally, the claims did not preempt all techniques for automating 3D animation that rely on rules, because the claimed rules were required to be rendered in a specific way. The court noted that the interaction between vocalization and facial expression is very complex, and the claimed rules do not preempt alternative rules-based methods.

The Federal Circuit therefore reversed the district court's ruling without reaching the second step of the *Alice* test, and emphasized that courts must be careful to avoid oversimplifying the claims by looking at them generally and ignoring specific limitations recited in the claims.