

AVID TECHNOLOGY, INC. v. HARMONIC, INC., Appeal No. 2015-1246 (Fed. Cir. January 29, 2016). Before Reyna, Taranto, Stoll. Appealed from D. Del. (Judge Sleet).

Background:

Avid sued Harmonic asserting two patents on data storage systems that allow users to store and retrieve large files. In the claimed system, when a client wishes to store a file, the system splits the file into segments and the segments are distributed amongst various storage units and stored in duplicate. When a client wishes to retrieve a file, the client determines which storage units have the needed segments and sends a request for a given segment to a storage unit, which transmits it to the client.

Based on statements the patentee made during prosecution, the district court found that Avid disclaimed a system in which a central controller tells the client which storage unit the client should deal with during read and write operations. As such, the district court construed "independent storage unit" to mean "storage units which are not centrally controlled and whose memory addresses are not globally allocated" and that "systems with independent storage units cannot use a central controller to access data, and in particular, cannot use a central controller that identifies the storage unit on which data is stored in response to client requests." The jury found that Avid's claims were not infringed. Avid appealed.

Issue/Holding:

Did the district court err in finding that Avid disclaimed a system in which the central controller tells the client which storage unit the client should deal with during read and write operations? Yes, vacated and remanded.

Discussion:

When prosecution history is used solely to support a conclusion of patentee disclaimer, the standard for justifying the conclusion is high; the disclaimer must be clear and unmistakable. There is no disclaimer when the alleged disavowal is ambiguous or amenable to multiple reasonable interpretations.

During prosecution, Avid stated that in the claimed system, "clients do not issue requests to a central controller that in turn identifies storage units that store the data and issues requests to storage units." The Federal Circuit found that Avid's statement is vague and does not exclude a central controller that performs only one of the two stated functions. Thus, this statement does not disclaim a central controller that merely identifies the storage units.

Avid also argued during prosecution that "Boll's assignment of a client to a server through a centralized interface for its transaction [is] contrary to the claim limitations noted above." The Federal Circuit opined that this language does not disclaim a system having a central controller that tells the client which storage unit contains a given segment. Instead, the language could be read as each client application in Boll being connected to only one storage unit and conducts all its transactions with that one storage unit. In contrast, Avid's patents contemplate implementing "redundancy" by storing segments of a file on different storage units. The Federal Circuit found that there was no clear and unmistakable disclaimer of central controllers that provide storage-unit-location information for retrieving segments.