SIMPLEAIR, INC. v. SONY ERICSSON MOBILE COMMUNICATIONS AB, Appeal No. 2015-1251, -1253 (Fed. Cir. April 1, 2016). Before Moore, Reyna, and Wallach. Appealed from E.D. Tex. (Judge Gilstrap).

Background:

SimpleAir sued Sony, Google, Motorola, and Microsoft for patent infringement. A jury found that none of the asserted claims was invalid, and that Google infringed each of the asserted claims. The district court denied Google's motions for JMOL with respect to invalidity, infringement, and damages. Google appealed, asserting that the claim term a "data channel" is indefinite or, alternatively, that Google does not infringe SimpleAir's patent under the correct construction of the "data channel."

Issues/Holdings:

Did the district court err in construing the claim term "data channel" and in finding infringement? Yes; reversed, vacated, and remanded.

Discussion:

Google asserted that the district court improperly construed a claim limitation directed to notifying computing devices of receipt of data from an information service "whether said devices are online or offline from a data channel associated with each device." The district court interpreted a "data channel" to be analogous to a television channel, such that an information service can have any number of data channels available for accessing and viewing information. Google argued that the "data channel" is a first path (wired or wireless) from a computing device to the information service, and that the first path is different from a second path from the computing device to the information service via a wireless receiver.

The Federal Circuit looked at the disputed claim limitation in the context of the entire patent and determined that the district court's interpretation was incorrect. The Federal Circuit found that a person having ordinary skill in the art at the time of the invention would understand that a key aspect of the invention was to provide notifications to a remote computing device, even when the device is not connected to the Internet by traditional means. The Federal Circuit determined that the invention contemplates the use of two distinct paths, such that the data channel from which the device may be online or offline must be different from the communication path used to receive notifications. The Federal Circuit thus concluded that the "data channel" is properly construed to mean any path between the remote computing device and the information service that does not include the attached receiver.

The Federal Circuit held that district court's claim construction was erroneous and, therefore, reversed the claim construction, vacated the district court judgment, and remanded with instructions to enter judgment of non-infringement in favor of Google.