

RUCKUS WIRELESS, INC. v. INNOVATIVE WIRELESS SOLUTIONS, LLC, Appeal Nos. 2015-1425, 2015-1438 (Fed. Cir. May 31, 2016). Before Prost, Reyna, Stark. Appealed from E.D. Tex. (Judge Yeakel).

Background:

Innovative Wireless Solutions ("IWS") sued a series of hotels and coffee shops for infringement of several of its patents (the "Terry patents") because the defendants provided WiFi Internet access to its customers using WiFi equipment sold by Ruckus and Cisco. In response, Ruckus filed a declaratory judgment ("DJ") action for invalidity and non-infringement of the Terry patents.

The central dispute during claim construction was whether the phrase "communications path" in the claims of the Terry patents captured wireless communications or was limited to wired communications. Ruckus contended that its wireless equipment did not infringe the Terry patents because the Terry patents were limited to wired rather than wireless communications. The district court sided with Ruckus, finding that the shared specification of the Terry patents contemplated only wired communications and not wireless communications. IWS, therefore, appealed the district court's claim construction.

Issue/Holding:

Did the district court err in its construction of the term "communications path?" No, affirmed.

Discussion:

On appeal, IWS contended that the district court erred for two main reasons. IWS, first, argued that the district court erred by importing the wired limitation into the claims. Second, IWS asserted claim differentiation on the basis that several dependent claims limited the communications path to "two-wire line" or "two-wire telephone line," and thus, the unmodified "communications path" term must encompass more, including wireless communications.

Ruckus countered these arguments by first asserting that the term "communications path" does not have a plain and ordinary meaning to a skilled person. As a result, when considering the term "communications path" in light of the specification of the Terry patents, Ruckus argued that the wired limitation was proper because that limitation was a "core feature" of the invention that solved a problem in long distance wired communications. With respect to IWS' assertion of claim differentiation, Ruckus argued because "two-wire telephone line" is only one type of several wired lines disclosed in the specification, the meaning of the term "communications path" need not cover wireless communications to be broader than "two-wire telephone line."

The Federal Circuit found the arguments proffered by Ruckus to be persuasive for several of the same reasons and additionally, because: (1) there was no evidence in the record showing a skilled person would understand the term "communications path" to include wireless communications; (2) the specification of the Terry patents described "[t]his invention" as one "particularly concerned" with "two wire lines such as telephone subscriber lines;" and (3) every embodiment described in the specification utilized a telephone wire, and even when the specification clarified that the full breadth of the invention was not limited to the expressed embodiments, the specification declared only that the patents may also reach any *wired* connection.

In view of the above, the Federal Circuit affirmed the district court's claim construction.