

IN RE: MAN MACHINE INTERFACE TECHNOLOGIES LLC, Appeal No. 2015-1562 (Fed. Cir. April 19, 2016). Before Lourie, O'Malley and Stoll. Appealed from PTAB.

Background:

A third party requested ex parte reexamination of a patent directed to a remote control device for making selections on television or computer screens. The claims recite a hand-held device with "a body adapted to be held by the human hand" and "a thumb switch ... adapted for activation by a human thumb." The PTAB held that under a broadest reasonable interpretation (BRI) of these claim elements, the claims were anticipated or obvious.

Issue/Holding:

Did the PTAB err in holding the claims anticipated and obvious? Yes and no, reversed-in-part, affirmed-in-part and remanded.

Discussion:

The Federal Circuit held that the broadest reasonable interpretation of a claim term cannot be so broad as to include a configuration expressly disclaimed in the specification. Accordingly, the Federal Circuit held that the PTAB's broadest reasonable interpretation of the claimed remote control as reading on a conventional desk-bound mouse was unreasonable based on the disclosure in the specification. The Federal Circuit held that, based on the patentee's specification, (i) the proper interpretation of "adapted to be held by the human hand" is made or designed to held in the human hand, and thus, would not include gripping a desk-bound device such as, for example, the desk-bound mouse disclosed in the prior art and (ii) the PTAB's broad construction of "thumb switch being adapted for activation by a human thumb" as being merely capable of activation by a human thumb is unreasonable in view of the clear teaching in the specification that the patentee intended a narrower meaning.

The Federal Circuit upheld the obviousness of the claims, which relied in part on prior art that was not a conventional desk-bound mouse. The obviousness determination was based on an additional reference that taught a hand-held remote control device that included a center button that could be activated by a human thumb. The Federal Circuit held that even under a proper, narrower construction of the "adapted" claim limitations, the claims would have been obvious based on the teaching of the center button in the additional reference that could be activated by a thumb.

Thus, the PTAB's anticipation holding was reversed as being based on an erroneous claim construction, but the obviousness holding was affirmed.