

CORE WIRELESS LICENSING S.A.R.L v. APPLE INC., Appeal No. 2015-2037 (Fed. Cir. April 14, 2017). Before O'Malley, Bryson, and Wallach. Appealed from E.D. Tex. (Judge Gilstrap).

Background:

Core Wireless sued Apple for infringing its claims directed to efficiently transmitting data packets over a cellular network using dedicated channels. Dedicated channels, as opposed to common channels, carry data packets from a single mobile station without competing transmissions from other stations. The district court ruled that the limitation of "means for comparing for basis of channel selection" was required to be performed by mobile stations that are "programmed ... in accordance with the algorithm shown in Fig. 6, step 650." Apple introduced evidence at trial that its accused mobile stations could not perform channel selection, and as such, did not infringe Core Wireless's asserted claim. The jury ruled in favor of Apple. Core Wireless filed for judgment as a matter of law, arguing that the mobile stations disclosed in its patent were not required to perform channel selection. The district court denied Core Wireless's motion, and Core Wireless appealed.

Issue/Holding:

Did the district court improperly uphold the jury's verdict? No, affirmed.

Discussion:

On appeal, Core Wireless argued that the embodiments disclosed in the specification in which the mobile station is responsible for selecting a channel are preferred embodiments, and that the asserted claim does not require the mobile station to select a dedicated channel.

The Federal Circuit disagreed and held that the district court was correct in its interpretation that the patent at issue requires that its mobile stations to be capable of making dedicated channel selection decisions. For support, the Federal Circuit cited to the flowchart shown in Figure 6 of the patent, which outlined the steps of the patent's channel selection. Specifically, the Federal Circuit asserted that the step of selecting the channel was performed by the RLC/MAC layer, which was part of the mobile station. The Federal Circuit further asserted that the "entire point of the invention" was to "enable the mobile station to make the channel selection decision in order to minimize traffic between the mobile station and the network."

In sum, the Federal Circuit reasoned that no part of the specification, either expressly or impliedly, describes an embodiment in which the network makes a channel selection. Accordingly, the Federal Circuit concluded that the district court correctly denied Core Wireless's motion for judgment as a matter of law and properly upheld the jury's verdict of non-infringement.