

RIVERA v. ITC, Appeal No. 2016-1841 (Fed. Cir. May 23, 2017) (Reyna, Chen, and Linn).
Appealed from the U.S. ITC.

Background:

Adrian Rivera ("Rivera") filed a complaint with the U.S. International Trade Commission ("ITC") alleging infringement of Rivera's patent by Solofill, LLC ("Solofill"). The complaint alleged that Solofill's beverage capsules, which are designed to fit into a Keurig beverage brewer, infringed Rivera's patent directed to a pod adapter for a beverage brewer.

Rivera's patent discloses a pod adapter assembly including a cartridge/receptacle that receives a "pod." The "pod" is broadly defined as a water-permeable pouch containing a brewing material, such as coffee. Rivera's patent discloses that the pod adapter assembly allows the pod to be inserted into the cartridge/receptacle and to function similar to a K-Cup, which allows the pod to be used in a Keurig beverage brewer.

The ITC found that Rivera's patent was invalid for failing to comply with the written description requirement because the claims broadly recited "a container... adapted to hold brewing material." The ITC found that "a container... adapted to hold brewing material" was not supported by the disclosure of the specification because the specification does not define a "container," and instead only discloses the structural elements of the pod and the cartridge. The ITC found the specification clearly discloses that the pod and the cartridge are distinct elements, whereas the "container" recited in the claims requires the features of both the pod and the cartridge. The ITC also found that the distinction between the pod and the cartridge is fundamental to the problem and solution of the specification. Rivera appealed.

Issue/Holding:

Does substantial evidence support the ITC's determination that Rivera's patent is invalid for lack of written description? - Yes, affirmed.

Discussion:

The Federal Circuit held that the claimed "container" is only supported by the disclosure when it acts as both a pod and a cartridge (i.e., receptacle). The Federal Circuit held that Rivera's claimed "container... adapted to hold brewing material" lacks written description because the specification of Rivera's patent clearly distinguishes between a pod and a cartridge. The specification discloses that the underlying problem to be solved is enabling compatibility between pods used in pod-type beverage brewers and cartridges used in cartridge-type beverage brewers. The specification also describes that the cartridge may be adapted to accept a separate pod to be used inside the cartridge. The Federal Circuit found that the specification makes a clear distinction between a pod and a cartridge that includes a receptacle to receive the pod.

The Federal Circuit held that the specification does not support a "container" that is both adapted to hold brewing material (i.e., a pod) and that includes the claimed structure of the cartridge/receptacle. Thus, the Federal Circuit upheld the ITC's determination that Rivera's patent is invalid for failing lack of written description because the specification clearly teaches that the pod and cartridge/receptacle are distinct structural elements.