CORE WIRELESS LICENSING S.A.R.L. v. LG ELECTRONICS, INC., Appeal Nos. 2016-2684, 2017-1922 (Fed. Cir. January 25, 2018). Before Moore, O'Malley, and Wallach. Appealed from E.D. Tex. (Judge Gilstrap). (35 U.S.C. §101 (ALICE); Claim Construction)

Background:

Core sued LG for patent infringement. LG moved for summary judgment of invalidity under §101. The district court denied LG's motion finding that the claims are not directed to an abstract idea because the concepts of "application," "summary window," and "un-launched state," as recited in the claims, are specific to devices like computers and cell phones. After a jury found Core's claims valid and infringed, LG moved for JMOL arguing that the claim expression "un-launched state," with respect to applications on the devices, means "not running" and that under this construction, no reasonable jury could have found infringement. The court denied LG's motion. LG appealed.

Issues/Holdings:

Did the district court err in denying LG's motion for summary judgment of invalidity under §101? No, affirmed. Did the district err in finding infringement based on its construction of the "un-launched state" claim limitation? No, affirmed.

Discussion:

The Federal Circuit found that Core's claims are directed to patent eligible subject matter under §101. The Federal Circuit determined that Core's claims are directed to an improved user interface for computing devices, and not to the abstract idea of an index, as argued by LG. Particularly, the Federal Circuit stated that the claim limitations disclose a specific manner of displaying a limited set of information to the user, rather than using conventional user interface methods to display a generic index on a computer. The Federal Circuit compared Core's claims to the improved systems claimed in *Enfish*, *Thales*, *Visual Memory*, and *Finjan*, and found that Core's claims recite a specific improvement over prior systems, resulting in an improved user interface for electronic devices.

Regarding the issue of infringement, LG argued that the claim expression "un-launched state" should be construed as "not running," rather than "not displayed," as determined by the district court. LG further argued that under its proposed construction, the accused devices do not infringe. The Federal Circuit acknowledged that this was a close case, but found no error in the district court's construction. The Federal Circuit noted that the district court's construction of "un-launched state" to mean "not displayed" encompasses both applications that are not running at all and applications that are running. The Federal Circuit noted that the terms "display" and "launch" are used throughout the specification to convey that a particular view is displayed to the user. The Federal Circuit further noted that the specification provided an exemplary embodiment of the invention that included applications that are running in the foreground or background and applications that are not running at all.

Judge Wallach dissented with regard to the construction of "un-launched state," finding that the term "display" is used differently and independently from "launch" in the claims, which indicates that these terms have different meanings.