

TECHTRONIC INDUS. CO. v. ITC, Appeal No. 2018-2191 (Fed. Cir. December 12, 2019).  
Before Lourie, Dyk, and Wallach. Appealed from the International Trade Commission.

Background:

A patent owner filed a complaint at the ITC alleging that Techtronic Industries infringed the owner's patent, directed to improved garage door openers, by importing allegedly infringing garage door openers into the United States. The ITC instituted an investigation.

The representative claim was directed to a garage door opener comprising, among other things, "a wall console." The administrative law judge determined that the patent owner had disavowed wall consoles lacking a passive infrared detector by describing the invention in the specification as a passive infrared detector that was superior to those of the prior art by virtue of its placement in the wall console. The judge therefore construed the term "wall console" as a wall-mounted control unit including a passive infrared detector, and granted summary determination of noninfringement based on that construction.

The ITC reviewed the judge's order and ultimately reversed the judge's construction of "wall console" and vacated the determination of noninfringement. The ITC concluded that although the specification described that the "principal aspect of the present invention" was an improved passive infrared detector, the specification also described other aspects of the invention. The ITC also noted that the claims in the patent that issued from the parent application expressly located a passive infrared detector in the wall console. The ITC assigned the term "wall console" its plain and ordinary meaning of "wall-mounted control unit" and found that Techtronic Industries infringed the patent under that construction.

Techtronic Industries appealed the final determination of the ITC.

Issue/Holding:

Did the ITC err in its construction of the term "wall console," and thus incorrectly determine infringement? Yes, reversed and vacated.

Discussion:

The Federal Circuit reviewed the term "wall console" in light of the specification and prosecution history. The court noted that although claim terms are normally assigned their ordinary and customary meaning, the intention of the inventor is "dispositive" where the inventor has clearly manifested that the invention does or does not include a particular feature. Such a disavowal does not need to be explicit, however; it can be inferred from clear descriptions of the invention in the specification or prosecution history.

The Federal Circuit agreed with the administrative law judge that the patent owner had disavowed wall consoles lacking a passive infrared detector because the inventor had clearly manifested that placement of the passive infrared detector in the wall console was the critical and inventive feature. The specification set forth the objective of the invention as solving problems of garage door openers in which the passive infrared detector was located in other units. The solution: move the detector to the wall console. And during prosecution, the applicant overcame an enablement rejection by identifying the enabling disclosure of its only described embodiment, which contained a passive infrared detector in the wall console. These descriptions of the invention constituted a disavowal of wall consoles lacking a passive infrared detector.