SALAZAR v. AT&T MOBILITY, Appeal Nos. 2021-2320, 2021-2376 (Fed. Cir. April 5, 2023). Before Stoll, Schall, and Stark. Appealed from E.D. Tex. (Judge Gilstrap).

Background:

The plaintiff Salazar sued AT&T Mobility and others, asserting infringement of his patent. At trial, the district court held that the defendants did not infringe the patent in question.

The critical issue at trial was the interpretation of claim 1, in particular "whether the claims require one single microprocessor that is capable of performing all of the claimed functions, i.e. the 'generating,' 'creating,' 'retrieving,' and 'generating' functions," or whether multiple microprocessors can separately perform these functions. The district court "construed the term [microprocessor] to mean one or more microprocessors, at least one of which is configured to perform the generating, creating, retrieving, and generating functions." In other words, with this construction, it is necessary for a single microprocessor to perform all of the claimed functions.

Salazar appealed, asserting that the district court construed the "microprocessor" recited in claim 1 too narrowly.

Issue/Holding:

Did the district court err in its construction of "microprocessor?" No, affirmed.

Discussion:

At the Federal Circuit, Salazar argued that the court should have interpreted the claim terms to require one or more microprocessors, any one of which may be capable of performing each of the 'generating,' 'creating,' 'retrieving,' and 'generating' functions recited in the claims. In other words, with Salazar's proposed construction, it is not necessary for a single microprocessor to perform all of the claimed functions, because multiple microprocessors could separately perform the functions, or a single microprocessor could perform all of the functions. This would be a broader construction than what the district court adopted.

The Federal Circuit, after reviewing prior case law on this issue, affirmed the district court's claim construction due to the antecedent basis references to "said microprocessor" in the claims (see the attached appendix). That is, the claim recites the open-ended transition word "comprising" in the preamble, and then recites "a microprocessor." Accordingly, the claim is not limited to a single microprocessor. However, the later portions of the claim specify that "said microprocessor" performs the generating, creating, retrieving, and generating functions. This means that the same microprocessor must perform all of these functions. Consequently, the antecedent basis references to "said microprocessor" were critical and led to a narrower claim construction.

To sum up, the Federal Circuit held that "[h]ere, it does not suffice to have multiple microprocessors, each able to perform just one of the recited functions; the claim language requires at least one microprocessor capable of performing each of the recited functions."

Claim at Issue with Relevant Passages Underlined

1. A communications, command, control and sensing system for communicating with a plurality of external devices comprising:

a microprocessor for generating a plurality of control signals used to operate said system, said microprocessor creating a plurality of reprogrammable communication protocols, for transmission to said external devices wherein each communication protocol includes a command code set that defines the signals that are employed to communicate with each one of said external devices;

a memory device coupled to said microprocessor configured to store a plurality of parameter sets retrieved by said microprocessor so as to recreate a desired command code set, such that the memory space required to store said parameters is smaller than the memory space required to store said command code sets;

a user interface coupled to said microprocessor for sending a plurality of signals corresponding to user selections to said microprocessor and displaying a plurality of menu selections available for the user's choice, said microprocessor generating a communication protocol in response to said user selections; and

an infra-red frequency transceiver coupled to said microprocessor for transmitting to said external devices and receiving from said external devices, infra-red frequency signals in accordance with said communications protocols.