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TECHNOLOGY LAW UPDATE

A report of the latest Federal Circuit updates brought to you by Preston Gates.

Irdeto Access, Inc. v. EchoStar Satellite Corp.

No. 04-1154 (Fed. Cir. Sept. 14, 2004)

“Even when guidance is not provided in explicit definitional format, the specification may define claim terms ‘by implication’ such that the meaning may be found in or ascertained by a reading of the patent documents.”

On September 14, 2004, the Federal Circuit affirmed the district court’s summary judgment that EchoStar did not infringe U.S. Patent No. 4,531,020, which was related to a system for controlling the broadcast of digital information signals by using three layers or tiers of complementary encryption and decryption keys. The Federal Circuit stated:

[T]he patentee can act as his own lexicographer, so long as he clearly states any special definitions of the claim terms in the patent specification or file history. Even when guidance is not provided in explicit definitional format, “the specification may define claim terms ‘by implication’ such that the meaning may be ‘found in or ascertained by a reading of the patent documents.’” Moreover, if a disputed term has “no previous meaning to those of ordinary skill in the prior art[,] its meaning, then, must be found [elsewhere] in the patent.”

Consistent with the term’s usage in the specification, the district court construed “group key” in claims 1 and 4 to mean a key associated with a subset of the total subscriber base. Irdeto challenges this construction on appeal, arguing that the district court departed from the ordinary meaning of the term “group.” Relying on this court’s pronouncements regarding the “heavy presumption” that [the claims] mean what they say,” Irdeto proffers definitions from a general-usage dictionary to show that nothing in the “ordinary meaning” of the claim terms requires limiting “group” to fewer than all subscribers. Absent “clear disclaimer” or words of “manifest exclusion,” Irdeto argues, the heavy presumption of ordinary meaning must apply. Here, Irdeto claims, the intrinsic record lacks such clear disavowal.

EchoStar [contends] that there can be no such “heavy presumption” where a disputed term lacks an accepted meaning in the art. We agree. [A]bsent such an accepted meaning, we construe a claim term only as broadly as provided for by the patent itself. The duty thus falls on the patent applicant to provide a precise definition for the disputed term. Moreover, where evidence such as expert testimony or technical dictionaries demonstrates that artisans would attach a special meaning to a claim term or would attach no meaning at all to the claim term independent of the specification “general-usage dictionaries are rendered irrelevant with respect to that term.” “[A] general-usage dictionary cannot overcome credible art-specific evidence of the meaning or lack of meaning of a claim term.”

[T]he district court correctly construed the term “group” in claims 1 and 4 to pertain only to a subset of all subscribers to the claimed broadcast system. A contrary result, moreover, would undermine the notice function of the patent itself. What Irdeto, in effect, argues is that even after telling the PTO and the public that given the absence of ordinary meaning in the art for the term “group,” the specification sets forth the full intended scope of that term, a patentee can nonetheless later lay claim to a broader, general-usage dictionary meaning of “group” absent explicit narrowing statements in the specification. This cannot be. Having conceded that the “key” modifiers have no accepted meaning in the art, the applicant expressly directed the public to the specification to discern that meaning and thus measure the scope of the claimed invention. And while the specification does not contain any statements of explicit disavowal or words of manifest exclusion, it repeatedly, consistently, and exclusively uses “group” to denote fewer than all subscribers, manifesting the patentee’s clear intent to so limit the term. The specification also contains no affirmative indication that group can consist of all subscribers within the system. A reasonable competitor reading the patent could only understand “group” to refer to a subset of all subscribers. The claims must be limited accordingly.