



Statements Made during IPR Doom Plaintiff's Media Streaming Patent

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By: Daniel L. Moffett

A California federal judge dismissed an infringement suit alleging Apple Inc.'s Apple TV video streaming service infringes a patent held by Aylus Networks Inc.. The court ruled that Apple's technology does not follow the steps laid out in patent claims asserted by Aylus. Specifically, the court relied on statements made by plaintiff during inter partes review, holding that "[d]uring the claim construction process, the Court was not asked to construe the term 'The [Control Point Proxy] is invoked.' However, the Court agrees with [defendant] that based on the language of the patent and [plaintiff's] statements during the inter partes review process, dependent claims 2 and 21 require that only the CPP logic is invoked to negotiate media content delivery. . . . [T]his distinction is confirmed by [plaintiff's] preliminary responses to [defendant's] inter partes review petitions of the [patent-in-suit] and the PTAB's adjudication of the petition. In this regard, [plaintiff's] statements are akin to a prosecution disclaimer. . . . Based on this distinction, the PTAB denied [defendant's] petition for inter partes review of claims 2 and 21. . . . [T]he PTAB's conclusion was not based on the application of the [broadest reasonable interpretation] standard of review, but rested on the distinction that [plaintiff] itself articulated in its response to [defendant's] petition." (emphasis added).

Aylus Networks, Inc. v. Apple Inc., 3-13-cv-04700 (CAND January 21, 2016, Order) [Chen, J.].

Categories

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