

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHER DISTRICT OF ILLINOIS
EASTERN DIVISION

THE CHAMBERLAIN GROUP, INC.,
Plaintiff,

v.

TECHTRONIC INDUSTRIES CO.,
LTD., TECHTRONIC INDUSTRIES
NORTH AMERICA, INC., ONE
WORLD TECHNOLOGIES, INC.,
OWT INDUSTRIES, INC., ET
TECHNOLOGY (WUXI) CO. LTD.,
and RYOBI TECHNOLOGIES, INC.,
Defendants.

Case No. 16 C 6097

Judge Harry D. Leinenweber

ORDER

Before the Court is Defendants' Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 7,224,275 ("the '275 patent") [ECF No. 354]. For the reasons stated herein, the Motion is denied.

STATEMENT

The Court issued its *Markman* ruling on April 7, 2017, construing six terms of the '275 patent [ECF No. 339]. The second term the Court construed was the "controller" limitation of claims 1 and 24, which it held to mean "a programmable platform (such as, for example, a microprocessor, a microcontroller, a programmable logic or gate array, or the like), that can obtain, through self-awareness or through externally developed information (e.g., from sensors), two or more potential operational status conditions defined, at least in part, by two or more operational conditions being experienced

by the controller [programmable platform]." (ECF No. 339 at 22-23.) The Court then construed the "status condition signal" limitation of claims 1 and 24 to mean "a status condition signal that: corresponds to a present operational status condition defined, at least in part, by at least two from the two or more operational conditions being experienced by the controller [programmable platform]." (*Id.* at 38-39.) (The Court otherwise construed the analogous limitation of claim 14 in identical fashion.) No one proposed a construction for "defined by." (*Id.* at 28.) A few of the many definitions of the word "define" include "to determine," "to fix or mark the limits of," to "characterize" or "distinguish," and to "establish the character of." See, e.g., "define," Merriam-Webster Dictionary, available at <https://www.merriam-webster.com/dictionary/define> (visited June 19, 2017); "define," Oxford English Dictionary, available at <https://en.oxforddictionaries.com/definition/define> (visited June 19, 2017).

Underlying these constructions integral to Defendants' Motion is the Court's construction of "operating states." Wading through the specification and the prosecution history as well as Federal Circuit and Patent Trial and Appeal Board decisions concerning the '275 patent, the Court took pains to explain why it was not construing "operating states" narrowly to mean just actions within the province of the controller, but instead broadly to mean all "operational conditions being experienced by the controller" - understood by a person of ordinary skill to encompass "actions the controller directly takes, actions the controller itself may not take but of which it is made aware, and states of system components that are provided to the controller (either through self-awareness or external sensors)." (ECF No. 339 at 29-37.)

Defendants now move for a summary judgment ruling that the redesigned Ryobi garage door opener ("GDO") does not infringe the '275 patent under the claims so construed. The original Ryobi GDO periodically relayed WiFi transmissions containing data summarizing the states of all the system's different modular components. (See, ECF No. 356 ¶¶ 2, 9.) The transmitter of the redesigned Ryobi GDO, on the other hand, "only sends the categories of data that have changed since the last message was transmitted, and even then, each signal includes, at most, a current condition of the GDO for a single category of data obtained from the GDO." (ECF No. 355 ("Defs.' Mem.") at 5.) Defendants state that *when multiple data categories change*, the redesigned Ryobi GDO "creates and transmits a separate signal for each updated category." (*Ibid.*) As a result, Defendants urge that the redesigned Ryobi GDO does not infringe because the "single state transmitted by the redesigned Ryobi GDO is, at most, ever defined by a single condition being experienced by the controller (*i.e.*, the current condition)," rather than defined by at least two operational conditions being experienced by the controller, as the claims require. (*Id.* at 8-9.)

Defendants suggest that the redesigned Ryobi GDO's status condition signal falls outside the claims because, for example, it only transmits whether the lights are on or off based on the single operational *lighting* condition (on or off) the controller is experiencing. (See, *e.g.*, Defs.' Mem. at 9-10.) Similarly, to even "potentially infringe claims 1 and 24," Defendants maintain, "the alleged present operational status condition that is wirelessly transmitted must be defined by 'at least two' from the four possible operating states for door status - *i.e.*, 'at least two' from Door Open, Door Closed, Door Opening, and Door Closing." (*Id.* at 10.) In their view, the Ryobi GDO does not

meet this condition, because it is defined by only "one of door open, closed, opening, or closing, but never 'at least two' of these conditions." (*Ibid.*) However, many (if not all) GDO components contain multiple potential but mutually exclusive positions or states, making it unclear how a transmitter as Defendants conceive the '275 patent's would even be operative.

What is more, Defendants seem not to have heeded their own refrain throughout this litigation that claim 1[a]'s "potential operational status conditions" be kept analytically separate from claim 1[c.i]'s "present operational status conditions," as the word "potential" appears nowhere in limitation 1[c]. If the controller can obtain four *potential* operational status conditions based on four possible mutually exclusive door positions (*i.e.*, open, opening, closing, closed), then logically it can be experiencing only one of these when a signal corresponding to its single *present* operational status condition is transmitted. In this example, the at least one additional operational condition being experienced by the controller and defining the transmitted *present* status condition signal relates to a system component other than the door. To the extent Defendants read the Court's *Markman* construction of "potential operational status condition" to encompass "definition" by the different operational conditions the controller can experience vis-à-vis a monitored component (*i.e.*, the four possible door positions), the "present operational status condition" of the status condition signal limitation requires that a particular monitored component has assumed one of its possible positions or states. It was for this reason that the Court did not so limit the operational conditions that are experienced by the controller and capable of defining its operational status condition(s), potential or present.

After months ago rejecting Defendants' argument that the claims require transmission of a signal containing information reflecting multiple *changes* (ECF No. 263 at 8-9), the Court rejected their analogous contention that the "controller" and "status condition signal" limitations should be construed to require "a status condition signal containing information reflecting a present status condition of the controller's operation, where the present status condition is defined by at least two actions being performed by the controller at the present time." (ECF No. 339 at 29-30, 37, 39-41.) The chief problem with this construction was that it baselessly precluded disclosed embodiments, such as the embodiment where "the GDO sends a status condition signal to a lighting peripheral to identify that the GDO performed the single action of turning its lights on or the single action of turning them off" and the "embodiment using a 'single data field' to provide information about a single 'monitored condition.'" (ECF No. 339 at 40-41 (citing '275 patent at 5:59-6:3, 6:46-51).) Defendants' current argument is merely these same prior contentions dressed differently. Nowhere in Defendants' summary judgment briefing do they explain how the redesigned Ryobi GDO is any different from these two embodiments that backstop the Court's construction. In fact, Defendants apparently redesigned the Ryobi GDO to perform exactly these sorts of transmitting functions - providing isolated status information *corresponding* to a single monitored present status condition (for example, lights on) while nonetheless permitting that status condition to be *defined* (or determined, or its meaning clarified) by multiple operational conditions being experienced by the controller (for example, lights on in tandem with, as a result of, or in response to the garage door's opening, a sensor's detection of a

proximal vehicle, or a user's flipping the vacation mode switch).

Instead of differentiating the redesigned Ryobi GDO from the two aforementioned embodiments, Defendants assert that the Court did not rely on these disclosed embodiments in construing the relevant claim language and that the claims of the patent need not encompass all disclosed embodiments. (ECF No. 368 at 6-7.) Any fair reading of the Court's *Markman* ruling puts paid to the first argument. And while the second is legally correct, there are two problems with its use here. The first is procedural; Defendants have not moved to reconsider but instead for summary judgment, and thus they are bound by the Court's prior reliance on those disclosed embodiments. The second is that the two embodiments at issue contradict neither the language of the claims nor the intrinsic evidence, and so there is little reason to think the claims don't encompass them. See, *TIP Sys., LLC v. Phillips & Brooks/Gladwin, Inc.*, 529 F.3d 1364, 1373 (Fed. Cir. 2008). They only contradict on the narrow claim interpretation, rejected previously, that "defined by a plurality of operating states" refers to "the granular packet of data transmitted" (ECF No. 263 at 9), or on a reading of the prosecution history that contravenes the one this Court has adopted: "Looking to the prosecution history reveals that 'operating states' defining status conditions 'of the controller' can refer to *states of* or actions taken by non-controller components of the system, so long as the controller assimilates them by self-awareness or is provided them by, for example, external sensors." (ECF No. 339 at 31-37 (emphasis added)).

As noted earlier, Defendants admit that the redesigned Ryobi GDO merely sends signals *seriatim* for each system component when multiple changes occur. Thus, they have not

ruled out the possibility that the present operational status condition that the signal reflects (or to which it corresponds) is defined by at least one additional operational condition being experienced by the controller - regardless of the affiliated system component. Under the Court's *Markman* ruling, the redesigned Ryobi GDO remains capable of infringing the asserted claims of the '275 patent by transmitting a status condition signal that corresponds to or reflects a present operational status condition defined, at least in part, by at least two from the two or more operational conditions being experienced by the controller. The Court is thus compelled to deny Defendants' Motion for Partial Summary Judgment of non-infringement. Each party is to bear its own fees.



Harry D. Leinenweber, Judge
United States District Court

Dated: June 21, 2017