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The Precedent: Federal Circuit Affirms That the Order of Method Steps Is Dispositive in Sound View Innovations, LLC v. Hulu, LLC

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In this edition of *The Precedent*, we outline the decision in *Sound View Innovations, LLC v. Hulu, LLC*

Authored by [Michael Stojavljevic](#)

Overview

In *Sound View Innovations, LLC v. Hulu, LLC*, the Federal Circuit affirmed summary judgment of noninfringement, holding that Hulu's video streaming technology did not practice the claimed method because it did not perform the required steps in the order recited by the claim. The decision underscores the importance of both careful claim drafting and detailed infringement analysis for method claims.

Issues

1. Did the district court correctly construe Sound View's method claim to require that its first two steps be performed in the order written?
2. Did Hulu's accused products perform the steps of the method claim in the required sequence?

Holdings

1. The Federal Circuit agreed that the method claim requires the first step (receiving a request for a streaming media (SM) object) to be performed before the second step ("allocating a buffer ... to cache at least a portion of said requested SM object").
2. Because Hulu's accused products did not perform the steps in the required sequence, summary judgment of noninfringement was proper.

Background and Reasoning

Sound View owns a now-expired patent (U.S. Patent No. 6,708,213) directed to reducing latency in streaming multimedia over a network. Asserted method claim 16 required, among other things:

1. “receiving a request for an SM object from one of said plurality of clients at one of said plurality of helper servers;”
2. “allocating a buffer at one of said plurality of HSs to cache at least a portion of said requested SM object;”
3. “downloading said portion ... to said requesting client, while concurrently retrieving a remaining portion ... from one of another HS and said content server;” and
4. “adjusting a data transfer rate ... for transferring data from said ... helper servers to said ... clients.”

Order of Steps

The Federal Circuit affirmed the district court’s ruling that the claim’s grammar and logic required the first two steps to be performed in the order written. The second step refers to “said requested SM object,” which presupposes that a request has already been received. The Federal Circuit explained that when a method claim’s steps reference the results of prior steps, the order is mandatory. Sound View’s arguments that the steps could be performed in any order, or that the patent’s specification supported a different sequence, were rejected.

Noninfringement

It was undisputed that Hulu’s accused streaming system did not perform the steps in the required order. Hulu’s system allocated buffers before receiving a request for a specific streaming object, contrary to the claim’s requirements. Because the order of steps was dispositive, summary judgment of noninfringement was affirmed.

Takeaway

For method claims, the order in which steps are performed can be critical. Patent owners must ensure that their claims and infringement theories account for the required sequence and accused infringers should scrutinize whether their products or processes follow the claimed order. Courts will enforce method sequences when the claim language or logic demands it.