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The Precedent: Federal Circuit Tightens Structural Equivalence Showing for Means-Plus-Function Claims in *Genuine Enabling Tech. LLC v. Sony Group Corp.*

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In this edition of *The Precedent*, we outline the decision in *Genuine Enabling Tech. LLC v. Sony Group CorpInc.*

Overview

In *Genuine Enabling Tech. LLC v. Sony Group Corp.*, the Federal Circuit affirmed summary judgment of noninfringement in favor of Sony in a patent case involving wireless controllers. The Federal Circuit agreed that the patent owner failed to provide sufficient evidence that Sony's accused products used a structure equivalent to the patent's disclosed "encoding means." The decision highlights the need for focused, complete equivalence analysis when asserting means-plus-function claims.

Issues

1. How should the "encoding means" limitation, which the parties agreed is a means-plus-function element, be applied to the accused Sony controllers?
2. Did Genuine Enabling present sufficient evidence that Sony's products use a structure that performs the claimed function in substantially the same way as the patent's disclosed structure?

Holdings

1. The "encoding means" corresponds to the logic design shown in block 34 of the patent's Figure 4A and equivalents of that full structure.
2. Genuine Enabling's expert evidence addressed only a small part of that structure and did not explain why the omitted elements were insubstantial so no reasonable jury could find structural equivalence.

Background and Reasoning

Genuine Enabling Tech. (GET) owns a patent directed to a user input device that sends both "user input" data (for example, controller button presses) and "input signals" (for example, sensor data) wirelessly to a receiver. A key element in the independent claim is an "encoding means for synchronizing the user input stream with the input stream and encoding the same into a combined data stream transferable by the communication means." The parties agreed that this is a means-plus-function limitation, governed by a statute that requires the claim to cover the structure described in the specification for performing that function and equivalents of that structure.

The patent labels the corresponding structure "block 34" in Figure 4A. Block 34 is a logic circuit that includes multiple elements and signals. Among other things, it incorporates a clock generator that produces a bit-rate clock signal, a data selector that samples bits from different streams and flip-flops and other components that work together to synchronize and encode the streams. The district court construed the "encoding means" as "the logic design at block 34 in Figure 4A and equivalents thereof."

GET accused Sony's PlayStation controllers of using an equivalent structure inside their Bluetooth modules. However, GET did not obtain or analyze detailed schematics of the Bluetooth circuitry. Instead, its expert focused on the idea that both the patent's circuit and the Bluetooth implementation used a bit-rate clock signal to coordinate data. He argued that because both systems synchronize data streams to a bit-rate clock, they must be structural equivalents.

Sony moved to exclude this testimony and for summary judgment of noninfringement. The district court agreed that the testimony was insufficient and granted summary judgment. GET appealed.

The Federal Circuit began by reiterating that to establish literal infringement of a means-plus-function limitation by an equivalent, the patentee must show that the accused structure performs the identical function in substantially the same way to achieve the same result, compared to the disclosed structure as a whole. The "way" analysis cannot ignore substantial parts of the disclosed structure without justification.

Here, the disclosed "encoding means" is the entirety of block 34, not just the clock generator or the bit-rate clock signal. GET's expert initially pointed to several parts of block 34, including the clock generator and data selector, when describing how the patent's circuit worked. But when it came to comparing that structure to Sony's Bluetooth implementation, GET's expert reduced this "way" analysis to a single feature: the presence of a bit-rate clock.

The Federal Circuit concluded that this was not enough. The opinion noted that block 34 contains "a detailed logic design" with multiple interacting elements and that GET had never explained why it was appropriate to treat the bit-rate clock as the only relevant part of the structure for equivalence purposes. The expert did not show, for example, that the data selector, flip-flops and other circuitry were insubstantial or that their functions were fully captured by the clock alone.

The Federal Circuit analogized this situation to prior cases where patentees failed to address a "significant fraction" of the disclosed structure. In those cases, the court held that a patentee cannot prove structural equivalence by pointing only to one feature, such as a "pin," when the corresponding structure includes additional elements that affect how the function is performed.

GET also argued that Sony's Bluetooth implementation could be viewed as a "black box" that must be equivalent because it outputs the right kind of combined data stream synchronized by a clock. The Federal Circuit rejected that argument. Structural equivalence analysis requires evidence about how the accused device performs the function, not just that it achieves a similar result. Without schematics, detailed documentation or testimony about the Bluetooth circuit's internal operation, GET could not meet that burden.

Because GET's equivalence showing was limited to the high-level presence of a bit-rate clock and lacked any explanation for omitting the rest of block 34, the Federal Circuit agreed that no reasonable jury could find the accused structure equivalent. It therefore affirmed summary judgment of noninfringement.

Takeaway

When asserting means-plus-function claims, patentees must treat the disclosed structure as a whole. To rely on equivalents, they should either map all claim-relevant elements of that structure to the accused device or clearly explain why some elements are insubstantial to the "way" the function is performed. High-level "black box" arguments based on a single shared feature are unlikely to survive summary judgment.