

CLIENT ALERT

In a Means-Plus-Function Claim, the Use of “Circuitry” as a Corresponding Structure Is Sufficient

SEPTEMBER 9, 2021

Qualcomm Incorporated v. Intel Corporation, Nos. 2020-1589, 2020-1590, 2020-1591, 2020-1592, 2020-1593, 2020-1594 (Fed. Cir. July. 27, 2021)

The patent at issue on appeal claimed techniques for generating a power tracking supply voltage for a circuit that processes multiple radio frequency signals simultaneously. The Patent Trial and Appeal Board (PTAB) invalidated the patent as obvious, but the Federal Circuit vacated and remanded. The court found that the PTAB had not given adequate notice that it would depart from the parties’ **agreed** construction of a key term, and so violated the patentee’s procedural rights. The court vacated and remanded on those grounds.

However, the court affirmed the PTAB’s construction of a means-plus-function term relating to a “power tracker.” The court held that the corresponding structure for the power tracker is a circuit, rather than a general-purpose computer. Under well-established law, “[i]n a means-plus-function claim in which the disclosed structure is a computer, or microprocessor, programmed to carry out an algorithm, the disclosed structure is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm.” However, this “algorithm requirement” does not apply where the claimed function can be achieved by any general-purpose computer without special programming.

The algorithm requirement also does not apply to functions implemented through circuitry, as in this case. Unlike a computer or microprocessor programmed to carry out an algorithm, “circuitry” does not require special programming to perform particular functions. In other words, the disclosure of circuitry provides the needed “structure that necessarily limits the scope of a claim without the aid of special programming.” The Federal Circuit further explained that applying the algorithm requirement to circuitry would jeopardize a plethora of patents in the electrical arts that rely on circuitry as the corresponding structure for their means-plus-function claim limitations.

Read the full decision [here](#).

1 Min Read

Related Locations

Charlotte

Chicago

Los Angeles

Silicon Valley

Related Topics

Patent Trial and Appeal Board (PTAB)

Patent

Intellectual Property

Related Capabilities

Patent Litigation

Intellectual Property

Related Professionals



David Enzminger



Ivan Poullaos



Mike Rueckheim



Danielle Williams