UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of **CERTAIN VIDEO CAPABLE ELECTRONIC DEVICES, INCLUDING COMPUTERS, STREAMING DEVICES, TELEVISIONS, CAMERAS, AND COMPONENTS AND MODULES THEREOF**	**Inv. No. 337-TA-1379**

ORDER NO. 38: CONSTRUING CLAIM TERM [CORRECTED]

(April 16, 2024)

I. BACKGROUND

The Commission instituted this investigation to determine whether certain video capable electronic devices, including computers, streaming devices, televisions, cameras, and components and modules thereof infringe certain claims of U.S. Patent No. 7,532,808 and U.S. Patent No. 8,204,134. 88 Fed. Reg. 84832 (Dec. 6, 2023). The complainants are Nokia Technologies Oy and Nokia Corporation. The respondents are HP, Inc., Amazon.com, Inc., and Amazon.com Services LLC. The Commission Investigative Staff is a party to the investigation.

The private parties and the Staff filed a joint claim construction chart and the parties each filed claim construction briefs, after which a claim construction hearing was held. Joint Chart (EDIS Doc. ID 813868); Nokia Br. (EDIS Doc. ID 814056); Resp. Br. (EDIS Doc. ID 814060); Staff Br. (EDIS Doc. ID 814419); Nokia Reply (EDIS Doc. ID 814875); Resp. Reply (EDIS Doc. ID 814866); Staff Reply (EDIS Doc. ID 815073); and Tr. (EDIS Doc. ID 816142). This order addresses the claim construction issue raised by the parties.

II. RELEVANT LAW

It is a bedrock principle of patent law that the claims of a patent define the invention to which the patentee is entitled the right to exclude. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005). "[T]here is no magic formula or catechism for conducting claim construction." *Id.* at 1324. Instead, weight may be attached to appropriate sources "in light of the statutes and policies that inform patent law." *Id.*

The terms of a claim are generally given their ordinary and customary meaning which is the meaning that the term would have to one of skill in the art at the time of the invention. *Id.* at 1312–13. The ordinary meaning of a claim term is its meaning to one of skill in the art after reading the entire patent. *Id.* at 1321. The patent specification "is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term." *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996).

A court "should also consider the patent's prosecution history, if it is in evidence." *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 980 (Fed. Cir. 1995), *aff'd*, 517 U.S. 370 (1996). The prosecution history, which is intrinsic evidence, is "the complete record of the proceedings before the PTO and includes the prior art cited during the examination of the patent." *Phillips*, 415 F.3d at 1317. "[T]he prosecution history can often inform the meaning of the claim language by demonstrating how the inventor understood the invention and whether the inventor limited the invention in the course of prosecution, making the claim scope narrower than it would otherwise be." *Id*. "[B]ecause the prosecution history represents an ongoing negotiation between the PTO and the applicant, rather than the final product of that negotiation, it often lacks the clarity of the specification and thus is less useful for claim construction purposes." *Id.*

In some situations, a "court will need to look beyond the patent's intrinsic evidence and to

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consult extrinsic evidence in order to understand, for example, the background science or the meaning of a term in the relevant art during the relevant time period." *Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.*, 574 U.S. 318, 331 (2015). Extrinsic evidence is "all evidence external to the patent and prosecution history, including expert and inventor testimony, dictionaries, and learned treatises." *Markman*, 52 F.3d at 980. While expert testimony can be useful "to ensure that the court's understanding of the technical aspects of the patent is consistent with that of a person of skill in the art," such testimony is "generated at the time of and for the purpose of litigation and thus can suffer from bias that is not present in intrinsic evidence." *Phillips*, 415 F.3d at 1318–19. Further, while extrinsic evidence may be useful, it is less reliable than intrinsic evidence, and its consideration "is unlikely to result in a reliable interpretation of patent claim scope unless considered in the context of the intrinsic evidence." *Id*. Where the intrinsic record unambiguously describes the scope of the patented invention, reliance on extrinsic evidence is improper. *See Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1308 (Fed. Cir. 1999), *citing Vitronics*, 90 F.3d at 1583.

III. ANALYSIS

A. The '808 Patent Specification

The '808 patent is titled "Method for Coding Motion in a Video Sequence" and relates generally to motion compensation in video coding. The patent explains that in a typical video coding system, motion compensated prediction is performed on a macro-block basis. '808 patent at 10:23–25. The patent refers to "Joint Model Number 1" (JM1) of the Joint Video Team (JVT) of ISO/IEC MPEG (Motion Picture Expert Group) and ITU-T VCEG (Video Coding Experts Group), which assigned a coding mode depending on the characteristics of the macroblock and the motion in a video sequence. *Id*. at 10:27–50. There were eight such coding modes, with the eighth

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known as skip mode, which indicated that the macroblock was to be copied from the reference video frame without using motion compensated prediction. *Id*. at 10:50–67.

The ’808 patent recognizes a problem with an assumption made by JM1 of JVT that skip mode is statistically the most likely coding mode for a macroblock because, if the video sequence contains global motion (panning or zooming, etc.) skip mode is not used, causing degradation of compression efficiency. *Id*. at 12:18–47. Though solutions to this problem were proposed, the specification states that “it should be appreciated that there exists a significant unresolved technical problem relating to the coding of a digital video sequence in the presence of global motion, such as translation, panning or zooming of the camera.” *Id*. at 13:45–49. To address these problems, “the present invention is based on a redefinition of the skip mode concept used in JM1 of the JVT codec.” *Id*. at 14:16–18. In particular, “[a]ccording to the invention, the skip mode concept is redefined in such a way that a macroblock assigned to skip mode is either associated with a zero (non-active) motion vector, in which case it is treated in the same way as a conventional skip mode macroblock and copied directly from the reference frame, or it is associated with a non-zero (active) motion vector.” *Id*. at 14:23–29.

B. Level of Ordinary Skill in the Art

Nokia argues that one of ordinary skill in the art would “have at least a bachelor’s degree in electrical engineering, computer engineering, or a related field, with about two years of experience in video decoding or encoding technologies. More work or practical experience may qualify one not having the requisite education as a person with ordinary skill in the art while a higher level of education could offset less experience.” Nokia Br. at 2. Respondents argue that one of ordinary skill in the art “would have had a (1) Bachelor’s degree in electrical engineering, computer science, or a comparable field of study, and (2) approximately two to three years of

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practical experience with video and/or image processing or coding. Additional experience can substitute for the level of education, and vice versa." Resp. Br. at 15–16; *see also* Havlicek Decl. at ¶ 14.[1] The Staff contends that one of ordinary skill in the art "would have a bachelor's degree in electrical engineering, computer engineering, computer science, or a comparable field of study, with about two years of experience with video coding or related technologies. More experience can substitute for less education, and vice versa." Staff Br. at 5. There does not appear to be a meaningful difference between the parties' proposals and no party argued that there was.

The Staff agrees that the parties' different proposals on the level of skill in the art do not impact claim construction, Tr. at 174:7–23, as does Nokia, Tr. at 184:15–20, and Respondents, Tr. at 192:11–17. *See also* Resp. Reply at 3, n.3. To the extent a finding is required at this stage, I adopt the Staff's proposed level of ordinary skill in the art for purposes of this Order. *Cf. Genzyme Therapeutic Prods. Ltd. P'ship v. Biomarin Pharm. Inc.*, 825 F.3d 1360, 1371–72 (Fed. Cir. 2016) (failure to make a specific finding about the required level of skill in the art is not reversible error where the record did not show any meaningful differences in proposed definitions or that the outcome of the case would have been different based on which definition was selected). If a dispute arises that depends on the level of ordinary skill in the art, the parties should be prepared to address this issue later in the investigation.

C. The Disputed Claim Term

The parties raised a single claim construction dispute regarding the meaning of "skip coding mode" in various claims of the '808 patent. The parties propose:

[1] Respondents provided two declarations from Dr. Havlicek. The first, provided with their opening claim construction brief, is referenced as "Havlicek Decl." and the second, provided with their responsive claim construction brief, is referenced as "Havlicek Suppl. Decl."

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Claim Term and Asserted Claims	Nokia and the Staff's Construction	Respondents' Construction
skip coding mode claims 1, 6, 7, 9, 10, 15, 16, 20, 23–25, 32, 34, 43, 44, 51–54, 62, and 63	a coding mode in which a zero (non-active) motion vector or a non-zero (active) motion vector is associated with each skip mode macroblock, depending on the characteristics of the motion in image segments surrounding the macroblock in question.	a coding mode in which a zero (non-active) motion vector or a nonzero (active) motion vector is associated with each skip mode macroblock, depending on the characteristics of the motion in image segments surrounding the macroblock in question, and residual information can be provided for each skip mode macroblock.

Joint Chart at 1. Nokia and the Staff agree on the proposed construction. Respondents agree in part with Nokia and the Staff's proposal but add that "residual information can be added in each skip mode macroblock." The basis for Respondents' addition is dependent claims 30, 41, 49, and 60, which respectively depend from claims 1, 7, 10, and 16, and recite "wherein no residual information is provided for the first segment in the encoded bitstream." Respondents contend that adopting the proposed construction of Nokia and the Staff would "require the ALJ to invalidate four dependent claims (claims 30, 41, 49, and 60), disregard embodiments, and import a limitation from the specification into the claims." Resp. Br. at 17. Nokia and the Staff contend that their proposal is based on lexicography in the patent and that adopting their proposal is not inconsistent with dependent claims 30, 41, 49, and 61. Nokia Br. at 15–18; and Staff Br. at 7–11. For the reasons explained below, I agree with Nokia and the Staff.

1. The '808 Patent Expressly Defines "Skip Coding Mode"

The specification states that "the present invention is based on a redefinition of the skip mode concept used in JM1 of the JVT codec." '808 patent at 14:16–18. According to the specification, as a result, the "method according to the invention not only provides an improvement

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in coding efficiency in the presence of global motion (i.e. motion affecting the entire area of video frame), but also enables regional motion to be represented in an efficient manner." *Id*. at 14:18–22.

The specification states:

> According to the invention, the skip mode concept is redefined in such a way that a macroblock assigned to skip mode is either associated with a zero (non-active) motion vector, in which case it is treated in the same way as a conventional skip mode macroblock and copied directly from the reference frame, or it is associated with a non-zero (active) motion vector.

Id. at 14:23–29.

In addition, the specification states:

> According to the invention, the coding modes used by encoder 600 correspond to those provided by JM1 of the JVT codec (shown in Table 3), with the exception that the SKIP mode is redefined to allow representation of global and regional motion. More specifically, the SKIP mode is modified in such a way that a zero (non-active) motion vector or a non-zero (active) motion vector is associated with each skip mode macroblock, depending on the characteristics of the motion in image segments surrounding the macroblock in question. In the following this type of motion vector will be referred to as a "skip mode motion vector".

Id. at 17:43–53.

The specification thus makes clear that JM1 is the starting point and that the skip coding mode of the invention is a redefinition of the skip coding mode of JM1. In stating (twice) that skip mode is being "redefined," the specification explicitly provides a definition of skip coding mode according to the invention. The '808 patent is clear and unequivocal on this point. *Baxalta Inc. v. Genentech, Inc.*, 972 F.3d 1341, 1349 (Fed. Cir. 2020) (noting the "exacting" standard for patentee lexicography). The specification demonstrates that the patentee defined the term "skip coding mode" by "clearly set[ting] forth a definition of the disputed claim term" and "clearly express[ing] an intent to redefine the term." *See Thorner v. Sony Computer Entm't Am. LLC*, 669 F.3d 1362, 1365 (Fed. Cir. 2012) (cleaned up). The Federal Circuit has stated that "a claim term may be

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clearly redefined without an explicit statement of redefinition." *Bell Atl. Network Servs., Inc. v. Covad Comm's Group, Inc.,* 262 F.3d 1258, 1268 (Fed. Cir. 2001). Here, however, there is an explicit statement of redefinition—the word "redefined" is used. The specification thus supports that the patentee defined the term "skip coding mode" for purposes of the invention. *See AstraZeneca AB v. Mutual Pharm. Co., Inc.*, 384 F.3d 1333, 1339–40 (Fed. Cir. 2004) (the "specification's statement that 'the solubilizers suitable according to the invention are defined below' provides a strong signal of lexicography") (cleaned up).[2]

At the hearing, Respondents agreed that the specification provides a "partial redefinition of skip mode," which "is specific to motion language" but which does not "answer[] the question the Court needs to about residual information." Tr. at 150:8–151:6. Respondents contend that the specification's silence on residual information with respect to "skip coding mode" is "fatal" to Nokia's lexicography argument. Resp. Reply at 5–6. According to Respondents, the portions of the specification that redefine "skip coding mode" "do not mention whether residual information is sent or not and certainly do not say the invention can never send residual information." *Id.* at 6.

Respondents are correct that the redefinition of "skip coding mode" in the specification is silent with respect to residual information. That silence, however, does not mean that "skip coding mode" should be construed differently from the express definition provided in the patent. Instead, the fact that the specification is silent as to residual information in re-defining "skip coding mode" supports that residual information is not part of the definition. Whether residual information is

[2] Respondents assert that if I "allow[] Complainants to tie their construction to the JM1 'redefinition' based on [the disclosure at column 17, lines 43–53], the Construction should also include the other mentioned JM1 coding modes in Table 3, not just the redefinition part Complainants find favorable." Resp. Reply at 6, n.6. This does not make sense. The specification redefines "skip coding mode," which is the claim term. Table 3 includes other modes beyond "skip coding mode." There is no reason to incorporate non-skip coding modes into the construction of "skip coding mode."

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provided or not is simply irrelevant to how the patentee expressly defined the term.

Respondents' reliance on *Littelfuse, Inc. v. Mersen USA EP Corp.* is misplaced. Resp. Reply at 6, *citing* 29 F.4th 1376, 1379–82 (Fed. Cir. 2022). There, the Federal Circuit considered a patent directed to a fuse end cap where the specification disclosed both single-piece and multi-piece embodiments. 29 F.4th at 1377–78. The specification discussed a "fastening stem" only in the context of a multi-piece embodiment, leading the district court to construe the independent claims, which recited a fastening stem, as directed to multi-piece construction even though certain dependent claims recited single-piece construction. *Id*. at 1378–79. The Federal Circuit disagreed with the district court's construction, stating that "[n]othing in the specification states that a fastening stem cannot be present in a single-piece apparatus." *Id*. at 1381. As a result, the correct construction of the independent claims was one that "allows for the independent claims to cover both single-piece and multi-piece embodiments." *Id*.

That analysis is applicable here. Nothing in the '808 patent specification indicates that residual information must be or must not be present in skip coding mode and the specification discloses an embodiment in which it is not. The correct interpretation of the independent claims is therefore one that embraces both possibilities. The construction proposed by Nokia and the Staff allows for both the presence and absence of residual information, consistent with the definition in the specification.

Respondents' expert opines that one of skill in the art "would understand that a macroblock coding mode defines whether the macroblock can have residual information or not." Havlicek Suppl. Decl. at ¶ 35.[3] Dr. Havlicek's opinion, however, as to how one of skill would define a

[3] Respondents' citations to Dr. Havlicek's declaration in their reply claim construction brief are understood to be from his supplemental declaration.

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coding mode is inconsistent with how the patentee expressly defined "skip coding mode" in the specification. As noted, the patentee's definition is silent with respect to residual information.

Dr. Havlicek also states that a definition of whether the macroblock can have residual information "is necessary so the decoder knows whether to look for residual information in the bitstream for that macroblock or not to look." *Id*. Dr. Havlicek goes on to explain that certain macroblocks indicate to decoders that residual information will not be sent while others indicate to decoders that residual information may be sent. *Id*. Thus, according to Dr. Havlicek, those of skill in the art would understand how to tell a decoder whether to look for residual information. Based on Dr. Havlicek's explanation and the patent itself, I disagree that the patentee's express definition must be supplemented with information regarding residual information.

Dr. Havlicek also states that under Respondents' proposed construction, skip coding mode does not necessarily include residual information. *Id.* at ¶ 37. But Respondents' proposed construction requires the capability of providing residual information, which, as Nokia explained, would require that the decoder check for the presence of residual information, whether or not it is actually provided. Tr. at 114:20–115:19. Further, Respondents' proposed construction, in which the "skip coding mode" has the capability of providing residual information, would exclude a skip coding mode without that capability. In its silence, the definition in the '808 patent allows for both possibilities.

I conclude that the specification provides an express definition of "skip coding mode," supporting the construction proposed by Nokia and the Staff.

2. The Embodiments of Figures 6 and 7

Respondents contend that Nokia and the Staff's construction is wrong because it is inconsistent with the embodiments in Figs. 6 and 7 in which an encoder and decoder, respectively,

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use residual information. Resp. Br. at 2, 12–14 and 19–22. Figs. 6 and 7 are respectively described as schematic block diagrams of a video encoder and a video decoder according to an embodiment of the invention. '808 patent at 15:39–43. The specification explains that encoder 600 performs motion-compensation prediction by assigning a coding mode to each INTER-coded macroblock depending on the characteristics of the macroblock and the motion in the video sequence being coded. *Id*. at 17:14–21. When determining which coding mode to assign to a macroblock, motion estimation block 630 performs a motion estimation operation for each coding mode in turn. *Id*. at 17:21–24. It then selects each of the possible coding modes one after the other, in turn, and performs motion estimation to identify a best match for the macroblock in the reference frame, on the basis of the selected coding mode and the pixel values of the macroblock to be coded. *Id*. at 17:27–30. Once a best match has been obtained for each coding mode, motion estimation block 630 selects the coding mode yielding "the smallest overall cost value as the coding mode for the current macroblock." *Id*. at 17:39–42. This "cost" "typically combines the prediction error with number of estimated bits needed to code the macroblock and thus measures the relative efficiency of each coding mode." *Id*. at 11:15–18.

The patent explains that "the coding modes used by encoder 600 correspond to those provided by JM1 of the JVT codec (shown in Table 3), with the exception that the SKIP mode is redefined to allow representation of global and regional motion." *Id*. at 17:43–47. The patent is thus clear that coding modes in addition to the skip coding mode can be used with encoder 600. *See* Tr. at 119:13–25 and 123:16–124:17.

The patent also describes decoder 700, shown in Fig. 7, which corresponds to the encoder in Fig. 6 and is "therefore capable of receiving and decoding bit-stream 635 transmitted by encoder 600." *Id*. at 20:35–39. The patent explains that:

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> INTER-coded frames are decoded macroblock by macroblock, each INTER-coded macroblock being decoded substantially as soon as encoded information relating to it is received in the bit-stream 635. Depending on the coding mode, the compressed video data included in the bit-stream for an INTER-coded macroblock may comprise a combination of VLC encoded prediction error information for each block, motion vector information for the macroblock (or sub-blocks) and encoded control information including an indication of the coding mode used to encode the macroblock in question. If a macroblock is encoded in skip mode, no prediction error or motion vector information relating to the macroblock is included in the bit-stream.

Id. at 20:43–55.

The patent thus makes clear that the encoder in Fig. 6 and decoder in Fig. 7 can operate on bitstreams including prediction error information, which the parties agree is the same as residual information. Resp. Br. at 20 (addressing prediction error information as residual information); Havlicek Decl. at ¶ 31; Havlicek Suppl. Decl. at ¶ 32; Orchard Decl. at ¶ 18; and Tr. at 53:3–5 and 54:22–55:2 (Nokia agreeing that prediction error information is synonymous with residual information). That is not inconsistent with the construction advocated by Nokia and the Staff, which relates only to how skip coding mode is defined, not whether other coding modes can be used and what information is conveyed in the bitstream when those other modes are used.

Contrary to Respondents' argument, construing "skip coding mode" per the express definition in the specification does not exclude a disclosed embodiment. Resp. Br. at 19–20. The claims of the '808 patent can still cover encoders/decoders that use residual information without adding residual information into the definition of "skip coding mode." The cases Respondents rely on do not suggest otherwise. Resp. Br. at 21.

Respondents contend that in *Littelfuse*, the Federal Circuit cautioned against limiting the claimed invention to preferred embodiments or specific examples in the specification. Resp. Br. at 21. There, the court noted that "[n]othing in the specification states that a fastening stem cannot be present in a single-piece apparatus." 29 F.4th at 1381. Respondents contend that by analogy,

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"nothing in the '808 patent states that 'skip mode' cannot have residual information." Resp. Br. at 22. The problem is that Respondents' construction requires "skip coding mode" to have the capability of providing residual information. As noted, this would require that the decoder check for the presence of residual information, whether or not it is actually provided. Tr. at 114:20–115:19. Nothing in the '808 patent specification indicates that residual information must or must not be present in skip coding mode and the specification discloses an embodiment in which it is not. The correct interpretation of the independent claims is therefore one that embraces both possibilities. Doing so is consistent with Figs. 6 and 7.

3. The Dependent Claims Do Not Change the Construction of "Skip Coding Mode"

Respondents contend that because dependent claims 30, 41, 49, and 60 specify that no residual information is provided, the independent claims must be capable of providing residual information. Resp. Br. at 18; and Resp. Reply at 3. If not, according to Respondents, those claims "would be meaningless and not comply with 35 U.S.C. § 112 ¶ 4," which states that dependent claims shall "specify a further limitation of the subject matter claimed." Resp. Br. at 18–19. I disagree.

First, the express redefinition of "skip coding mode" in the '808 patent is silent as to residual information. The remainder of the independent claims reciting "skip coding mode" is also silent as to whether residual information is included in "skip coding mode." That silence supports that residual information may or may not be included. *See* Tr. at 146:8–14. It does not, as Respondents argue, support adding the ability to provide residual information to the definition of skip coding mode.

Respondents argued at the hearing that "you can't negate nothing. So there has to be something in the independent claim. You can't take away and further narrow without there being

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something in the independent claim." Tr. at 157:2–7. But the question is not whether something is negated. The question is whether the dependent claims further narrow the independent claims. In their silence on residual information, the independent claims cover providing or not providing residual information. Dependent claims 30, 41, 49, and 60 further narrow their respective independent claims by specifically reciting one of those options—residual information is not provided.

Further, dependent claims include the limitations of the claims from which they depend. 35 U.S.C. § 112(d) ("A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers."). Under Respondents' proposed construction, the independent claims require the capability of providing residual information. To the extent dependent claims 30, 41, 49, and 60 negate that capability, as Respondents argued, Tr. at 157:2–7, the dependent claims would create a contradiction by both allowing and not allowing residual information. As the Federal Circuit recently noted, "a dependent claim that contradicts, rather than narrows, the claim from which it depends is invalid." *Maxell, Ltd. v. Amperex Tech. Ltd.*, 94 F.4th 1369, 1374 (Fed. Cir. 2024), *quoting Multilayer Stretch Cling Film Holdings, Inc. v. Berry Plastics Corp.*, 831 F.3d 1350, 1362 (Fed. Cir. 2016) (emphasis omitted).[4] The construction proposed by Nokia and the Staff does not create such a contradiction.

Respondents also rely on *Baxalta*, pointing to the Federal Circuit's statement that the language of dependent claims "weigh[ed] heavily in favor of adopting" the patentee's broader construction and rejecting a construction that would render dependent claims invalid. Tr. at 165:5–

[4] Respondents rely on *Pfizer, Inc. v. Ranbaxy Laboratories Ltd.* for the proposition that a dependent claim failing to specify a further limitation is invalid under 35 U.S.C. § 112(d). Resp. Reply at 7, *citing* 457 F.3d 1284, 1292 (Fed. Cir. 2006). In *Pfizer*, the dependent claim did not further limit the claim from which it depended because "the two claims deal[t] with non-overlapping subject matter." *Id*. at 1291. That is not the situation here.

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23; *see Baxalta*, 972 F.3d at 1346. That is the case here, too. The broader construction, which is consistent with the express definition in the patent and which also covers the dependent claims, is that proposed by Nokia and the Staff. *See also Littelfuse*, 29 F.4th at 1380 (if a dependent claim reads on a particular embodiment of the claimed invention, the corresponding independent claim must cover that embodiment as well).

Based on the parties' briefs and their arguments at the hearing, "skip coding mode" is construed as: a coding mode in which a zero (non-active) motion vector or a non-zero (active) motion vector is associated with each skip mode macroblock, depending on the characteristics of the motion in image segments surrounding the macroblock in question.

SO ORDERED.

Doris Johnson Hines
Administrative Law Judge

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