UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of **CERTAIN COMPUTING DEVICES UTILIZING INDEXED SEARCH SYSTEMS AND COMPONENTS THEREOF**	**Inv. No. 337-TA-1389**

INITIAL DETERMINATION ON VIOLATION OF SECTION 337 AND RECOMMENDED DETERMINATION ON REMEDY AND BOND

Administrative Law Judge Cameron Elliot

(February 26, 2025)

Pursuant to the Notice of Investigation and Rule 210.42(a) of the Rules of Practice and Procedure of the United States International Trade Commission, this is my Initial Determination in the matter of *Certain Computing Devices Utilizing Indexed Search Systems and Components Thereof*, Investigation No. 337-TA-1389.

patent's varied and redundant uses of it. The court has also held, however, "the preference for giving meaning to all terms, however, is not an inflexible rule that supersedes all other principles of claim construction." *Simpleair*, 820 F.3d at 429. And although most often discussed in the means-plus-function context, the Federal Circuit has observed that claims can contain terms with no real meaning; terms which are mere "verbal constructs" or "nonce word[]s." *Lighting World, Inc. v. Birchwood Lighting, Inc.*, 382 F.3d 1354, 1360 (Fed. Cir. 2004). So to the extent the meaning of "selectively" becomes an issue for infringement, technical prong domestic industry, or invalidity, the intrinsic evidence supports viewing it as surplusage to the overall command-determination explicitly recited in every independent claim—*i.e.*, a nonce word.

3. "incremental search"

"Incremental search" appears in both claim 13 and claim 18. X1 argues the construction should read, "search in which results are provided or narrowed after characters of the search string(s) are entered." CIB at 12. X1 views the dispute between the parties as "whether the invention is so narrow as to *not* cover a situation in which a user pastes an entire search string into the search field." *Id.* (citing Hr'g Tr. (Mitzenmacher) at 582:2-10) (emphasis by X1). X1 states that Respondents' construction is too narrow and contradicted by the patent specification, which teaches: "strings of multiple characters can be pasted in with a paste operation"; "search results are shown as the user enters search characters or terms"; and "when the user types 'fast', four separate searches are optionally sent to the server, one for 'f', one for 'fa', one for 'fas', and one for 'fast'." *Id.* at 12-13 (citing 093 patent at 15:12-20, 3:41-44, 27:46-56) (emphasis by X1 removed); CRB at 1-2. X1 adds, "[t]he specification further describes that with each addition or deletion of a search string character, the search engine will refine or broaden the search." CIB at 14 (citing 093 patent at 27:49-53).

Respondents argue the proper construction is "searching upon entry of each character by a user," with an emphasis on "each." *See* RIB at 14. Respondents claim this is supported by both parties' experts and consistent with the specification. *Id.* (citing Hr'g Tr. (Mitzenmacher) at 582:9-584:16; Hr'g Tr. (Surati) at 95:15-24; 093 patent at 2:12-2:24, 15:12-29); RRB at 3. Respondents reject X1's construction as allegedly allowing for searching after entry of complete terms (*i.e.*, those with multiple characters). RIB at 14.

There is no genuine dispute here. "Incremental search" means that a search is performed at each increment of the search target's entry—exactly as described by X1 (CIB at 14 ("with each addition or deletion of a search string character, the search engine will refine or broaden the search")) and Respondents (RIB at 14 ("searching upon entry of each character by a user")). Obviously, if a multi-character string is pasted into the entry field all at once, that is a single "increment" and will trigger a search based on all of the characters. This is not inconsistent with either party's construction. But to the extent the specification's example of "f," "fa," "fas," and "fast" leads X1 to argue that an "incremental search" occurs even when the system waits until all four characters are entered (CIB at 13 (citing 093 patent at 27:46-56)), that is incorrect. The cited passage does use the word "optionally," but to refrain from running a search after each character entry or deletion is completely inconsistent with the rest of the paragraph:

> At state 612 the server system 508 incrementally searches for Web pages, documents, or other files in accordance with the search character, characters, string, or strings received by the server system 508. Thus, with each additional character entered by the user and detected at state 608, the search engine 510 will further refine the search. Similarly, with each deletion of a search string character, the search engine 510 will reduce the amount of search filtering to broaden the search. For example, when the user types "fast", four separate searches are optionally sent to the server, one for "f", one for "fa", one for "fas", and one for "fast". Each time, the server finds all documents containing words starting with that sequence of letters, and returns a list of the top matches. At state 614 the server system 508 transmits a list of search results to the browser 504.