

ALERT

Federal Circuit Patent Bulletin: *World Class Tech. Corp. v. Ormco Corp.*

October 20, 2014

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On October 20, 2014, in *World Class Tech. Corp. v. Ormco Corp.*, the U.S. Court of Appeals for the Federal Circuit (Prost, Taranto,* Hughes) affirmed the district court's judgment that World Class Technology did not infringe U.S. Patent No. 8,393,896, which related to a bracket for orthodontic braces that avoids or reduces interference with the gums even when being mounted on a molar tooth. The Federal Circuit stated:

We generally give words of a claim their ordinary meaning in the context of the claim and the whole patent document; the specification particularly, but also the prosecution history, informs the determination of claim meaning in context, including by resolving ambiguities; and even if the meaning is plain on the face of the claim language, the patentee can, by acting with sufficient clarity, disclaim such a plain meaning or prescribe a special definition. Following that approach, we reject Ormco's challenge to the district court's construction of "support surface," which Ormco stipulated requires non-infringement, without separate consideration of "ledge."

The claim language does not by itself convey a clear, unambiguous meaning in the respect at issue. To begin with, while "support surface" requires a surface that provides support, and the slide is undisputedly what must be supported, the language itself does not resolve when the slide must be supported. An "engaging" must take place in the fully closed position, according to the claim. But the phrase "support surface" standing alone could mean that support must be provided generally during movement of the slide. Moreover, the claim requires two surfaces on either side of the arch wire slot and gives the surfaces two different names: the "support surface" and the "ledge" surface. That difference suggests that their roles are different—which points away from Ormco's suggestion that they are interchangeable regarding the timing of contact with the slide (in Ormco's view, either one can be contacted at the end of the sliding process, either one at the start). Indeed,

the claim not only gives them separate names, but requires the two surfaces to line up differently relative to the base surface of the slot: the support surface must be at an acute angle relative to the base surface; the ledge surface must be parallel to the base surface. And the claim requires a specific interaction (“engaging”) between one surface (the support surface) and a portion of the angled slide when in the closed position, with no analogous requirement for the other surface.

Rather than providing an unambiguous, clear meaning, therefore, the claim language leaves uncertainty about whether, contrary to Ormco’s view, the slide must move along the support surface (and not the ledge surface) as it enters the bracket and moves toward the slot. In such circumstances, we turn to the specification to resolve the uncertainty. Where, as here, the claim language itself leaves interpretive questions unanswered, “[t]he construction that stays true to the claim language and most naturally aligns with the patent’s description of the invention will be, in the end, the correct construction.” Critically, the specification in this case identifies gum avoidance as the sole purpose of the acute angle the support surface must make with the slot base. [W]e conclude that the specification makes clear that the district court correctly resolved the uncertainties in the claim language, adopting a construction that aligns with the description of the invention. . . .

The doctrine of claim differentiation creates a presumption that distinct claims, particularly an independent claim and its dependent claim, have different scopes. But our construction of “support surface” does not give claim 1 the same scope as claim 6. At a minimum, claim 6 requires that the support surface form a corner (edge) with one side of the slot. That requirement is not implicit in claim 1 under our construction of “support surface.” To provide support for the slide throughout its movement, the support surface need not come directly up to the slot (or, therefore, form a corner with a slot side), but could stop short of the slot. With claim 6 having independent significance, we see no basis for reading into its use of “translation” an implication that, but for the limitations claim 6 adds to claim 1, the slide need not move along the support surface. The focus of claim 6 seems more on a geometric characterization than on any question about support during movement; and the claim is readily understood to reinforce the connection between the support surface and the slide’s movement by tying the “translation plane” to the “support surface.” In any event, as we have concluded, the specification firmly establishes the requirement of slide support that Ormco disputes. [R]ecognizing that claim drafting often involves finding different expressions to define the same invention, we have held that even the presumption of different claim scope is “overcome by a contrary construction dictated by the written description.” A fortiori, we will not draw Ormco’s inference from claim 6 here, where the inference is not even needed to maintain different claim scope.