2020-1189

United States Court of Appeals for the Federal Circuit

INFINITY COMPUTER PRODUCTS, INC.,

Plaintiff-Appellant,

– v. –

OKI DATA AMERICAS, INC.,

Defendant-Appellee.

Appeal from the United States District Court for the District of Delaware
Case No. 1:18-cv-00463-LPS, Judge Leonard P. Stark

COMBINED PETITION FOR REHEARING AND REHEARING *EN BANC* FOR PLAINTIFF-APPELLANT

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CORRECTED: MARCH 12, 2021

CERTIFICATE OF INTEREST

Counsel for Appellant, Infinity Computer Products, Inc., certifies the following:

1. Provide the full names of all entities represented by undersigned counsel in this case: Infinity Computer Products, Inc.

2. Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. N/A

3. Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities: N/A

4. The names of all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities (excluding those who have already entered an appearance in this court) are: Christopher V. Goodpastor, Adam G. Price, Gabriel R. Gervey and Daniel L. Schmid from the law offices of DiNovo Price LLP; William J. Rhodunda, Jr. and Chandra J. Williams from the law offices of Rhodunda Williams & Kondraschow.

5. The case titles and numbers of any case known to counsel to be pending in this or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal are:

Case Name	**Case No.**	**Court**
Infinity Computer Products, Inc. v. Canon USA, Inc.	2:18-cv-01823	EDNY
Infinity Computer Products, Inc. v. Dell, Inc.	2:12-cv-06808	EDPA

Infinity Computer Products, Inc. v. Hewlett-Packard Company	2:12-cv-06805	EDPA
Infinity Computer Products, Inc. v. Konica Minolta Business Solutions, USA, Inc.	2:12-cv-06802	EDPA
Infinity Computer Products, Inc. v. Lexmark International, Inc.	5:18-cv-00198	EDKY
Infinity Computer Products, Inc. v. Ricoh USA, Inc.	2:12-cv-06807	EDPA
Infinity Computer Products, Inc. v. Samsung Electronics America, Inc.	2:12-cv-06798	EDPA
Infinity Computer Products, Inc. v. Toshiba America Business Solutions, Inc.	2:12-cv-06807	EDPA
Infinity Computer Products, Inc. v. Xerox Corporation	2:12-cv-06804	EDPA

6. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). N/A

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Parties	
Infinity	Plaintiff-Appellant Infinity Computer Products, Inc.
Oki Data	Defendant-Appellee Oki Data Americas, Inc.
Defined Terms	
’811 Patent	U.S. Patent No. 6,894,811
’423 Patent	U.S. Patent No. 7,489,423
’574 Patent	U.S. Patent No. 8,040,574
’915 Patent	U.S. Patent No. 8,294,915
Infinity Patents	Collectively, the ’811 Patent, ’423 Patent, ’574 Patent, and ’915 Patent
Asserted Claims	Claims 1, 2, 4, 6, 7, 18, 19, 20 of the ’811 Patent; claims 1, 2, 3, 4, 6 of the ’423 Patent; claims 1, 2, 4, 5, 7, 8 of the ’574 Patent; and claims 1, 6, 7, 8, 9, 14, 15 of the ’915 Patent
Perkins Reference or Perkins	U.S. Patent No. 5,452,106 to Perkins
court *or* district court	United States District Court for the District of Delaware, Honorable Leonard P. Stark presiding
PTO	United States Patent and Trademark Office
PTAB	Patent Trial and Appeal Board of the United States Patent and Trademark Office
Panel Op.	Panel Opinion (Docket No. 46)
BlueBr.	Appellant’s Opening Brief
RedBr.	Appellee’s Response Brief

FEDERAL CIRCUIT RULE 35(b) STATEMENT OF COUNSEL

Based on my professional judgment, I believe the panel decision is contrary to the following decision(s) of the Supreme Court of the United States or the precedent(s) of this Court: *Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.*, 789 F.3d 1335, 1341 (Fed. Cir. 2015); *Nautilus Inc. v. Biosig Instruments, Inc.,* 572 U.S. 898 (2014); *Phillips v. AWK Corp.,* 415 F.3d 1303 (Fed. Cir. 2005) (en banc).

Based on my professional judgment, I believe this appeal requires an answer to one or more precedent-setting questions of exceptional importance: whether the full prosecution history, including subsequent prosecution history for the asserted patents in which an explicit definition of the subject term is tendered, accepted and applied, can correct an alleged ambiguity from years earlier or instead the term is forever and irredeemably indefinite.

/s/ Andrew G. DiNovo
ANDREW G. DINOVO

Counsel for Plaintiff-Appellant
Infinity Computer Products, Inc.

INTRODUCTION AND POINTS OF LAW/FACT OVERLOOKED OR MISAPPREHENDED BY THE PANEL

This appeal arises from a judgment of the U.S. District Court for the District of Delaware that the terms "passive link" and "computer" in Infinity's Patents are indefinite under *Nautilus Inc. v. Biosig Instruments, Inc.*, 783 F.3d 1374 (Fed. Cir. 2015). The Panel affirmed the district court's conclusion, agreeing that both terms are indefinite. Infinity seeks panel rehearing because the Panel's decision is predicated on a fatal error. D.I. 46 (the "Panel Opinion" or "Panel Op."). In the alternative, Infinity seeks rehearing *en banc* because the Panel's decision is contrary to decisions of the Supreme Court and this Court regarding when a prosecution history statement renders a term indefinite.

The Panel's Opinion is predicated on one simple and fatal error: it fails to recognize and give necessary effect to the fact that the claim term "passive link" is a different thing than the "digital data flow," which passes through the passive link, and that those two things have different endpoints. Infinity never once stated that the "passive link" ends at the I/O bus. The Panel's entire decision is based on a mischaracterization of the following single statement in the prosecution history:

> [W]hen the applicant transfers digital data from the facsimile transceiver through a passive link for scanning to the computer, ***the non-intercepted data*** enters through the RS 232 type connector ***port of the computer*** and passes directly to the I/O bus and is processed by the receiving circuits (i.e. UART, CPU), of the computer, providing a true

> non-intercepted digital signal between the facsimile transceiver and the computer.

Appx2201 (referred to herein as the "data flow passage") (emphasis added); Panel Op. at 8, 12-13.

Based on the plain language and the context of the data flow passage, it does not state that the passive link ends at the I/O bus. Instead, the passage states only that non-intercepted [digital] data passes to the I/O bus and is further processed inside the computer, an absolutely true statement that should not be afforded the draconian effect it has. **When asked about this misunderstanding "very specifically" by Judge Taranto, counsel for Oki Data provided no answer as to why the subject of the statement should be disregarded**.[1]

As such, the data flow passage is entirely consistent with all prosecution history statements and the intrinsic record, which teach that the passive link runs from the interface/port of the fax machine to the interface/port of the computer. BlueBr. at 40-45 (tabulating relevant PTO communications, consistently identifying the end of the passive link as the computer port or interface).

To break this down simply and demonstrate the foregoing as clearly as possible, leaving no plausible room for dispute, the Panel's error has been broken into three simple subpoints:

[1] Oral Argument dated December 11, 20202 (20-1189_12112020.mp3) at 34:32.

> (1) **"passive link" and "non-intercepted [digital] data" are different things**, with the passive link being a physical link such as a cable and the non-intercepted [digital] data being digital data that has not been converted from or to analog data;
>
> (2) **the "passive link" and "non-intercepted [digital] data" are not coextensive**, but have different endpoints; and
>
> (3) **the subject of the data flow passage is "non-intercepted data"** per the basic rules of English syntax, meaning the "non-intercepted data," not the "passive link," passes directly to the "I/O bus" and onto "the receiving circuits" (not the passive link) and is "processed by the CPU."

The Panel's Opinion is indirectly predicated on a misapprehension of the applicability of the arguments made to distinguish the *Perkins* reference to the Infinity embodiment in the data flow passage. There was never an effort to differentiate Perkins based on what occurred inside the computer; Perkins was either in-line or on a card plugged into the computer interface. To the extent the Panel has any concern about *Perkins* as an obviating reference, those concerns should be addressed properly, under Section 103.

Additionally, the Panel's decision represents an unprecedented and unwarranted expansion of *Teva*. Under the Panel's decision, any alleged ambiguity regarding a claim term in a lengthy prosecution history, even if definitively resolved later in the same prosecution, renders all subsequent clarification irrelevant and all claims incorporating the term indefinite.

FACTUAL BACKGROUND

The Infinity Patents are directed to leveraging the hardware and circuitry of a facsimile machine to work not just to send and receive faxes, but also as a printer and/or scanner for a personal computer. Appx72 (Abstract). The patented methods teach connecting the facsimile machine and a PC with specific connectivity, including "a bi-directional direct connection via a passive link between the facsimile machine and the computer." Appx73. The specification depicts cables between the ports of a facsimile machine and a computer. *See, e.g.*, Figs. 2b-2d, 2f-2h. The term "passive link" was introduced during prosecution of the '811 patent because references such as Perkins required either an in-line device with a processor or modem along the path or a peripheral plugged into the computer interface. Appx1233-1236.

ARGUMENT

I. PANEL REHEARING IS WARRANTED BECAUSE THE PANEL MADE AN ERROR REGARDING THE DIFFERENCE BETWEEN A PASSIVE LINK AND DATA FLOW

The Data Flow Passage was **not** about changing the endpoint of the passive link in the claimed inventions to distinguish *Perkins*. Instead, Infinity identified a benefit of the specific embodiment at issue, which used an RS-232 cable as the claimed passive link. That digital embodiment required no modem on the passive link, or anywhere else, even inside the computer.

A. "Passive Link" And "Non-Intercepted [Digital] Data" Are Different Things

In Infinity's claimed invention, data flow between the facsimile machine and the computer starts at the CPU of the facsimile machine and ends at the CPU of the computer. The data in that direction is typically that of an image from the fax machine. Appx86 at 5:11-63 (discussing sending transmitted data as a "picture" using standard protocols from the facsimile machine to the computer for further processing, such as printing). During prosecution, Infinity correctly observed that having the data flow in the digital domain can be more efficient. Appx2201. Understanding this important advancement, most computers and peripherals work that way today.

A passive link is a simple thing; in a wired situation, it is a cable. During oral argument, counsel for Oki Data was asked and argued that it was necessarily a cable.

> Q: Sir, this is Judge Clevenger. Are these claims necessarily limited to a physical cable connection between the fax machine and the computer, or would a wireless connection between the two be within the scope of the claims?
>
> A: No, it's always in discussion of a physical connection.

Oral Argument dated December 11, 20202 (20-1189_12112020.mp3) at 36:52. The Panel Opinion acknowledges that the passive link is distinct from the data. *See* Panel Op. at 15.

B. The "Passive Link" And "Non-Intercepted Data" Are Not, And Cannot Be, Coterminous

In Infinity's claimed invention, the non-intercepted data begins its path from the facsimile machine's CPU, exits the facsimile machine, traverses the link between the facsimile and the computer, enters the computer at the interface/port, proceeds to the I/O Bus and is processed by the receiving computer CPU. Appx86 at 5:11-63.

The path taken by the data is obviously of a different length, and has different endpoints, from the link between the facsimile machine and the computer. If the data flow ended at the computer interface, it would be useless since it could not be processed by the receiving computer. It is interception when the data is ***"between*** the PC/FAX," and not data ***"within"*** the PC/FAX, that is prohibited. Appx4253 (distinguishing *Nakamura* expansion board).

The link between the facsimile machine and the computer is consistently depicted as a cable is Figs. 2b-2f. Fig. 2f is shown below.

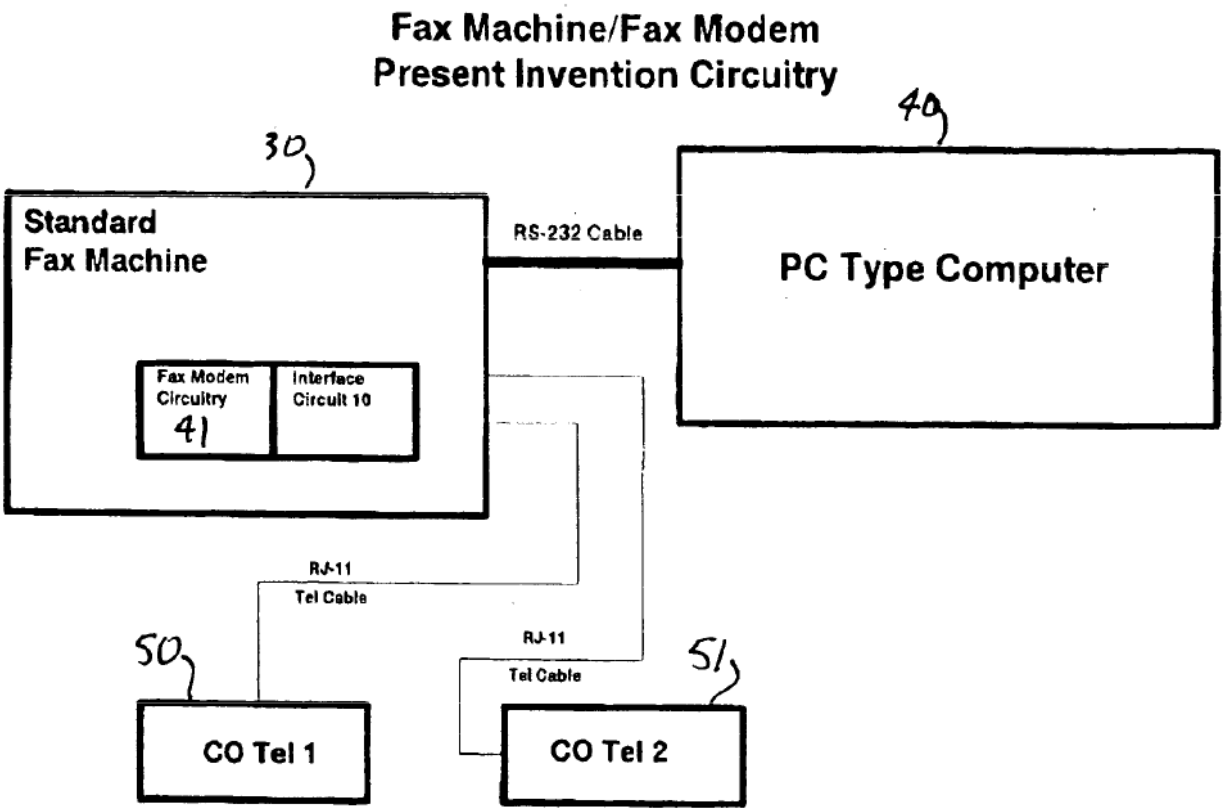

Fig. 2f

"PC-type computer 40 is coupled to the facsimile modem circuitry 41 and interface circuit 10 through an RS-232 cable." Appx86 at 52-54; *see also* Appx86 at 6:38-40 ("FIG. 2e shows still another arrangement in which the PC-type computer 40 is coupled to external facsimile modem circuitry 41, for example, through an RS-232 cable.").

There is no evidence anywhere in the record, or even a suggestion in the intrinsic record, that any skilled artisan would understand that a cable should be somehow attached, presumably with a blowtorch or adhesive, to a computer's I/O

bus. That assertion would be technically unsupported, which is totally unlike the *Teva* situation, in which persons of skill agreed that the meaning of the term could logically vary.

> The parties agree that "molecular weight" could refer to M p, M w, or M n. And they agree that each of these measures is calculated in a different way and would typically yield a different result for a given polymer sample. But the claim on its face offers no guidance on which measure of "molecular weight" the claims cover.

Teva, 789 F.3d at 1341.

C. The Subject of The Data Flow Passage Is "Non-Intercepted Data"

This is Oki Data's real sleight of hand and the crux of the Panel's mistake; that somehow because a statement was made about the non-intercepted data, it must be understood to characterize the passive link, which forms a single portion of the path that data traverses.

The data flow passage, read plainly, is entirely consistent with subsequent prosecution. The link is part of the path taken by the data, but the internal parts of the computer (*e.g.*, I/O bus and CPU) are the final stage of the data's path.

> Contrary to the above, when the Applicant transfers digital data from the facsimile transceiver *through a passive link* for scanning to the computer, the non-intercepted data enters through the RS 232 type connector port of the computer and *passes directly to the I/O Bus and is processed by the receiving circuits (i.e., UART, CPU) of the computer*, providing a true non intercepted digital signal between the facsimile transceiver and the computer.

Opinion at 8 (emphasis added by Panel in Opinion). "Passive link" is not acting as the subject, notwithstanding the emphasis added by the Panel.

Note instead that the "non-intercepted data" enters the computer at the RS 232 port "of the computer," "passes" directly to the I/O Bus and is processed by the receiving circuits (i.e., UART, CPU). A link cannot be passed anywhere, and certainly cannot be processed by receiving circuits.

Parsing the language with normal English syntax:

> Contrary to the above, when the Applicant transfers digital data from the facsimile transceiver through a passive link [**OBJECT**] for scanning to the computer, the **non-intercepted data** [**SUBJECT OF THE STATEMENT**] enters through the RS 232 type connector port of the computer [**DATA IS NOW IN "THE COMPUTER"**] and [**the non-intercepted data]** passes directly to the I/O Bus and is processed by the receiving circuits (i.e., UART, CPU) of the computer, providing a true non intercepted digital signal between the facsimile transceiver and the computer.

The Panel's misunderstanding of the syntax of the allegedly fatal statement is grounds for rehearing. And this misapprehension is clear in light of the arguments Infinity made to distinguish *Perkins*.

D. Because the Data Flow Passage Is Directed to Data Flow, There Is No Inconsistency Under *Teva*

In the 2002 Amendment, Infinity made an accurate technical distinction relative to *Perkins*: that the *Perkins* "internal" card is a peripheral plugged into the computer interface at issue in that embodiment, such that *the link* at issue in *Perkins* between the fax machine and the computer included both a cable and the *Perkins* card (and *the computer* did not include the *Perkins* card.) The Court generally agrees that Infinity identified the composition of the link in the *Perkins* card embodiment

as such. Panel Op. at 7. But the Court is incorrect that "[t]o distinguish Perkins's internal-card embodiment, the passive link ***could not be*** merely a cable that ends at the computer's port." Panel Op. at 14. (emphasis added).

The identified ***link*** between the facsimile machine and the computer in *Perkins* could not be passive. It could not be a simple cable, it always required a processor and modem to convert analog to digital. And Infinity correctly argued ***it was not***: the *Perkins* link always included the *Perkins* internal card/external device plus other connectivity. Appx2201. In the *Perkins* internal card-embodiment, the *Perkins* card would plug in to the identified computer where the computer-facing[2] end of the "internal-card" connected at the interface. Appx2201.

But the *Perkins* card, which plugs into the computer but is to be considered a "peripheral," is not part of the computer because it is not within the PC. In the *Perkins* external-device embodiment, the endpoint of the identified link is still the computer's identified RS232 connector (which places *Perkins'* device on the link).

Note that setting the purported endpoint of the passive link in Infinity's inventions at the computer's I/O bus is not required or ***even useful*** to distinguish *Perkins* in this argument. *Perkins* always requires active components prior to the computer interface.

[2] As distinguished from the fax machine-facing end of the Perkins card.

Thus, identifying the passive link endpoint as the computer's I/O bus in ***the specific Infinity embodiment at issue*** in the data flow passage would (a) make no sense, as a skilled artisan would not understand the I/O bus to be that computer's interface instead of the RS-232 port; and (b) provide no benefit in distinguishing *Perkins*.

Infinity's argument in the 2002 Amendment may have, as the Court described it, resulted in "strangeness." Panel Op. at 17. But Infinity never took inconsistent positions about where the passive link ended ***in its own claims: the passive link ended at the computer interface, which was a port in each specific embodiment it discussed***. The computer interfaces (and specific computers) were different in its embodiments at issue and the *Perkins* "internal-card" embodiment.

During oral argument, counsel for Oki Data was asked the crucial question, positing that Infinity never said that the passive link extends to the I/O bus. Counsel for Oki Data provided no identification of any language or any explanation as to why the subject of the September 20, 2002 statement should be ignored.

> Q. This is Judge Taranto. What do you say very specifically about Mr. DiNovo's argument that if you look at the language of the September 20, 2002 filing that gave rise to the problem that it actually does not ever say that the passive link goes all the way to the input output bus, in fact it's being misread because the language is only about the data flowing, it doesn't say that the passive link actually goes all that way and that indeed other language in that same document seems to reiterate that the passive link ends at the interface?
>
> A. Well the way the passive link has to be defined is it's an intervening device, intervening circuitry, intervening apparatus, it's an active component, that intercepts, modulates, demodulates or processes signals. So there is an inconsistency because what happened was not just talking about the data, I mean it has to talk about the data in the context of the data flows through the passive link.

Oral Argument dated December 11, 20202 (20-1189_12112020.mp3) at 34:32. This response addresses none of the actual language about the putative conflict, instead wandering off into an ethereal discussion about whether *Perkins* poses a 102/103 issue to a different claim. Any insinuations about *Perkins* (which the applicant characterized as a peripheral even if plugged into the card slot) should be addressed within the proper statutory framework.

Respectfully, for these reasons, the Court should grant this Petition for rehearing.

II. REHEARING *EN BANC* IS WARRANTED BECAUSE THE PANEL'S DECISION REPRESENTS AN UNPRECEDENTED AND UNWARRANTED EXPANSION OF *TEVA* THAT IS CONTRARY TO DECISIONS OF THE SUPREME COURT AND THIS COURT

Teva held that where prosecution history statements are irreconcilable in view of the entirety of the intrinsic and extrinsic evidence, the subject term is indefinite. *Teva*, 789 F.3d at 1341 (Fed. Cir. 2015). The full prosecution history, claims, and specification must be considered in the analysis. Consistent with that understanding, this Court has described the holding in *Teva* as follows: "holding claim indefinite where molecular weight could be measured three different ways and would yield different results and ***the patent and prosecution history did not provide guidance as to which measure to use***." *Dow Chem. Co. v. Nova Chemicals Corp. (Canada)*, 803 F.3d 620, 630 (Fed. Cir. 2015) (emphasis added).

In *Teva* and its progeny, the Court thus found claims indefinite where: (i) a claim requires a specific measurement or calculation and (ii) more than one measurement method may be used and no guidance was provided in the intrinsic record as to how to choose between them. *Teva,* 789 F.3d at 1341 ("The parties agree that "molecular weight" could refer to M_p, M_w, or M_n. . . . But the claim on its face offers no guidance on which measure of "molecular weight" the claims cover."); *see also Pacific Coast Building Products, Inc. v. Certainteed Gypsum, Inc., et al.*, 816 F. App'x. 454, 455 (Fed. Cir. 2020) (finding claim term "scored flexural

strength" indefinite); *Dow Chemical*, 803 F.3d at 634-35; (finding the claim term "slope of strain hardening coefficient" indefinite).

In *Teva*, there was no prosecution history from the asserted patent relevant to the term "molecular weight."

> The parties do not point to any portion of the ′808 patent' s prosecution history that is relevant to the construction of "molecular weight."

Teva, 789 F.3d at 1343.

This case is wholly unlike *Teva*. Here there is an explicit definition of "passive link" from the applicant in 2004. Appx1767-1792; Appx1784. That explicit definition was accepted and applied by the PTO for all subsequent prosecution. Appx2249-2250. An unrebutted declaration supporting the definition was furnished in subsequent prosecution of each patent-in-suit, and there was repeated acceptance of the definition by the PTAB in reexamination Appx2692. Independent of whether the holding of *Teva* extends to other non-measurement or non-calculation claims generally, it should not be applied to invalidate the claims here because there is no inconsistency, and any arguable ambiguity is resolved by considering the claims, specification, and rest of the prosecution history. *See, e.g.,* claim 1 of the '811 Patent (Appx95); claim 1 of the '574 Patent (Appx1687).

It is undisputed that the specification and claims are uniform in their confirmation of Infinity's position. Compare *Teva*:

> To summarize, it is undisputed that "molecular weight" or average molecular weight can be ascertained by any of three possible measures: M_p, M_n, and M_w. The claims do not indicate which measure to use. The specification never defines molecular weight or even mentions M_p, M_w, *1345 or M_n. And the term "average molecular weight" does not have a plain meaning to one of skill in the art.

Teva, 789 F.3d at 1344-45. "Computer" has a plain and ordinary meaning, a fact never contested in the record.

Here, there is at most a single ambiguous statement in 2002.[3] The Opinion represents a dangerous expansion of *Teva* that is contrary to prior precedent and potentially disastrous to the rights of patent owners: under the Panel's decision, **a single arguably contrary statement in prosecution history is fatal, regardless of all subsequent prosecution, claims, and specification**. This holding conflicts with key precedent from this Court and the Supreme Court.

First, as discussed above, the *Teva* case was an irreconcilable conflict between equally plausible technical alternatives. The parties agreed that the alternatives were plausible. There was no logical leap as required here, where a comment about data flow is somehow attributed to a link or wire. And totally unlike this situation, there was a complete absence of direction in the prosecution history for the patent-in-suit. *See Teva Pharm. USA, Inc. v. Sandoz, Inc.*, 574 U.S. 318, 331-32 (2015).

[3] The Panel Opinion references "repeated" statements but quotes only one, on which meaning-distorting emphasis is added. Panel Op. at 16.

Second, the Court's expansion of *Teva* is contrary to controlling precedent. The Supreme Court's ruling in *Nautilus* emphasized that the indefiniteness analysis requires a consideration of all aspects of the intrinsic record. "First, definiteness is to be evaluated from the perspective of someone skilled in the relevant art…. Second, in assessing definiteness, claims are to be read in light of the patent's specification and prosecution history." *Nautilus,* 572 U.S. at 908.

The correct application of *Teva* was articulated recently in another decision of this Court:

> Under our case law, then, a claim may be invalid as indefinite when (1) different known methods exist for calculating a claimed parameter, (2) ***nothing in the record suggests using one method in particular***, and (3) application of the different methods result in materially different outcomes for the claim's scope such that a product or method may infringe the claim under one method but not infringe when employing another method. Such a claim lacks the required degree of precision "to afford clear notice of what is claimed, thereby apprising the public of what is still open to them." *Nautilus*, 572 U.S. at 909, 134 S.Ct. 2120 (*quoting Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 373, 116 S.Ct. 1384, 134 L.Ed.2d 577 (1996) (internal quotation marks omitted)).

Ball Metal Beverage Container Corporation v. Crown Packaging Technology, Inc., ___ Fed. App'x ___, 2020 WL 7828776, at *3 (Fed. Cir. Dec. 31, 2020). The second requirement of *Teva* was abrogated here: the claims, specification, drawings and remainder of the prosecution direct the POSITA to a single conclusion: the computer begins at the port or interface.

More specifically, unlike in *Teva*, the claims specify that the passive link extends between the facsimile machine and the computer. There is no evidence of record of multiple meanings of "computer." The "I/O bus" is not mentioned in any claim. *See, e.g.,* claim 1 of the '811 Patent (Appx95); claim 1 of the '574 Patent (Appx1687). The remainder of the prosecution history is very clear, and is being effectively ignored as "contrary" when it is not. The Court is giving no weight to the practical admonition it made *en banc* that "because 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." *Phillips,* 415 F.3d at 1317. The specification and all diagrams are in complete agreement. BlueBr. at 48-49; "The PC, which may be any type of computer (including but not limited to an Apple Macintosh, IBM PC, PCAT or PCXT)…" Appx85 ('811 Patent, 4:59-61).

CONCLUSION

For all the foregoing reasons, the petition should be granted.

Respectfully submitted

/s/ Andrew G. DiNovo

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ADDENDUM

United States Court of Appeals for the Federal Circuit

INFINITY COMPUTER PRODUCTS, INC.,
Plaintiff-Appellant

v.

OKI DATA AMERICAS, INC.,
Defendant-Appellee

2020-1189

Appeal from the United States District Court for the District of Delaware in No. 1:18-cv-00463-LPS, Chief Judge Leonard P. Stark.

Decided: February 10, 2021

ANDREW DINOVO, DiNovo Price LLP, Austin, TX, argued for plaintiff-appellant. Also represented by NICOLE E. GLAUSER.

MARC ROBERT LABGOLD, Marc R. Labgold, P.C., Reston, VA, argued for defendant-appellee. Also represented by PATRICK J. HOEFFNER; JEFFREY T. CASTELLANO, ANDREW E. RUSSELL, JOHN W. SHAW, Shaw Keller LLP, Wilmington, DE.

Before PROST, *Chief Judge*, CLEVENGER and TARANTO, *Circuit Judges*.

PROST, *Chief Judge*.

Infinity Computer Products, Inc. ("Infinity") appeals the U.S. District Court for the District of Delaware's final judgment of invalidity. We agree with the district court that the patent claims asserted by Infinity against Oki Data Americas, Inc. ("Oki Data") are indefinite. We therefore affirm.

BACKGROUND

I

Infinity sued Oki Data for infringing four related patents: U.S. Patent Nos. 6,894,811 ("the '811 patent"), 7,489,423, 8,040,574, and 8,294,915.[1] The patents share a specification and involve using a fax machine as a printer or scanner for a personal computer. The indefiniteness issues in this case revolve around the connection between the fax machine and the computer, termed a "passive link." The parties agree that claim 1 of the '811 patent is representative. That claim states:

> 1. A method of creating a scanning capability from a facsimile machine to a computer, with scanned image digital data signals transmitted through a bi-directional direct connection *via a passive link between the facsimile machine and the computer*, comprising the steps of:

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[1] Infinity asserted claims 1–2, 4, 6–7, and 18–20 of the '811 patent; claims 1–4 and 6 of U.S. Patent No. 7,489,423; claims 1–2, 4–5, and 7–8 of U.S. Patent No. 8,040,574; and claims 1, 6–9, and 14–15 of U.S. Patent No. 8,294,915.

> by-passing or isolating the facsimile machine and the computer from the public network telephone line;
>
> coupling the facsimile machine to the computer;
>
> conditioning the computer to receive digital facsimile signals representing data on a scanned document; and
>
> conditioning the facsimile machine to transmit digital signals representing data on a scanned document to the computer, said computer being equipped with unmodified standard protocol send/receive driver communications software enabling the reception of scanned image signals from the facsimile machine, said transmitted digital facsimile signals being received directly into the computer through the bi-directional direct connection *via the passive link*, thereafter, said computer processing the received digital facsimile signals of the scanned document as needed.

'811 patent claim 1 (emphases added).

The '811 patent is a continuation-in-part of U.S. Patent App. No. 08/226,278 ("the '278 application"), which itself ultimately issued as U.S. Patent No. 5,530,558. The "principal object" of the claimed invention is "to provide a circuit for interfacing a PC and a facsimile to enable the facsimile to be utilized as a scanner or a printer for a PC and to accomplish all of the objectives of a scanner or a printer in a simple straightforward manner through the use of a circuit of highly simplified design and low cost." '811 patent col. 1 ll. 39–45; *see id.* Fig. 1 (circuit diagram).

Figures 2a–e of the '811 patent depict this circuit relative to a computer and a fax machine. They also depict "facsimile modem circuitry," which "may be either internal or external" to the computer. *Id.* at col. 6 ll. 3–5.

Figures 2b–d, for example, depict a fax machine connected to a computer via an RJ-11 cable, with fax modem circuitry located internal to the computer.

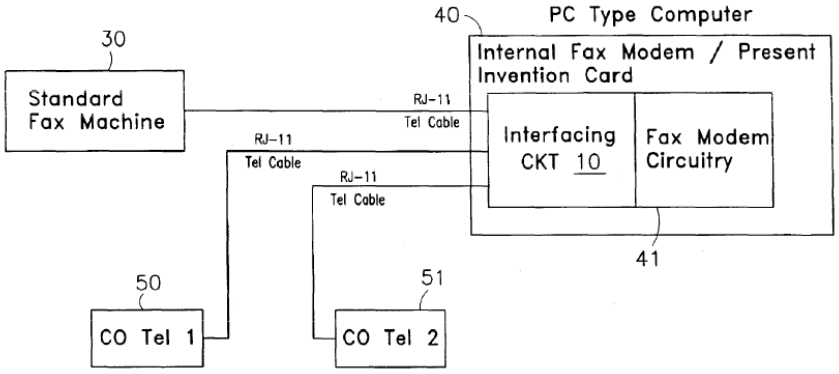

Fig. 2b

Id. Fig. 2b.

Figures 2f–h do not show fax modem circuitry interposed between the fax machine and the computer. Nor do they depict it as internal to the computer. The arrangement of Figure 2f, for example, "is used with PC's which do not have a fax modem installed." *Id.* at col. 6 ll. 62–63. This figure depicts a fax machine connected to a computer via an RS-232 cable, with both the circuit of the invention and the fax modem circuitry residing in the fax machine.

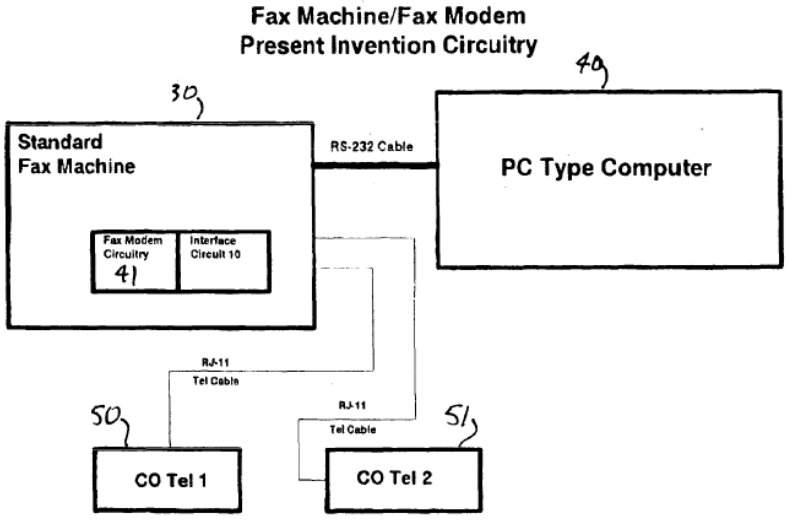

Fig. 2f

Id. Fig. 2f. Unlike Figures 2a–e, Figures 2f–h were not disclosed in the parent '278 application.

II

The term "passive link" does not appear in the '811 patent specification. Nor does it appear in the parent '278 application. Rather, Infinity first introduced the term during prosecution of the '811 patent to distinguish an anticipating prior-art reference—U.S. Patent No. 5,452,106 ("Perkins"). This reference, the patent examiner noted, discloses using a fax machine as a scanner or printer for a computer. J.A. 2129–30.

Infinity's initial attempts at distinguishing Perkins were unsuccessful. First, Infinity amended the claim to recite (among other things) data transfer "between the facsimile machine and the computer" that occurs "without interruption." J.A. 1227. Infinity also distinguished Perkins at length in accompanying remarks, on the ground

that Perkins includes an intervening component—"device 3"—between the fax machine and the computer. J.A. 1233–36. As Infinity noted, one function of device 3 was to serve as a fax modem. J.A. 1233.

Infinity asserted that, "[u]nlike Perkins," the claimed invention permits "the uninterrupted transfer of scanning or printing signals *between* the facsimile and the computer without the use of intervening circuitry, and does not intercept the signals for demodulation as Perkins does with device 3." J.A. 1234. Later in the same response, Infinity reiterated that its invention "does not require a microprocessor or *any circuitry or software to interrupt and intercept* the signals which occur in transmissions between a fax machine and a computer." J.A. 1235.

The examiner was not persuaded. Perkins's device 3, the examiner countered, "may be provided on a card for location in the computer." J.A. 3443. This internal-card embodiment, the examiner continued, represents an "uninterrupted" connection between the fax machine and the computer that defeats Infinity's distinction. J.A. 3443.

Infinity responded with further amendments and remarks in several subsequent responses, including by repeating the "intervening circuitry" distinction. Eventually, Infinity overcame Perkins by amending the claim to require a "passive link" between the fax machine and the computer and by using this new term as a hook for its intervening-circuitry distinction:

> The Applicant *creates a passive link* between the facsimile machine and the computer in order to accommodate the signal transfer for printing or scanning. Therefore, the Applicant *does not require any intervening apparatus* as does Perkins. The applicant therefore believes[] Perkins did not anticipate the methods used by the Applicant.

J.A. 2196 (emphases added). In support, Infinity emphasized that Perkins requires an intervening modem:

> Perkins'[s] device 3 or card design requires a modem to be integrated into it in order to transfer signals for scanning or printing as part of his computer and facsimile transceiver interface. In contrast, the Applicant can transfer digital signals between the facsimile transceiver and the computer without the need for a modem at the computer interface.

J.A. 2197. In doing so, Infinity relied on its more recent Figures 2f–h, which do not depict a fax modem between the fax machine and the computer. J.A. 2198 ("[A] modem is not required at the computer in Figures 2F, 2G, and 2H.").

Infinity also reprised its argument that Perkins's device 3 is intervening circuitry between the fax machine and the computer—even when placed internally. This is so, Infinity contended, because device 3 intercepts data before it reaches the I/O bus of the computer:

> In [Perkins's] internal configuration, facsimile transmission data never enters the computer I/O Bus until after it is processed by the device 3 card circuits into digital data, thereafter, the flow of data transfers to the I/O Bus and is processed by the computer circuitry.
>
> It is therefore evident that Perkins'[s] device 3 intercepts the flow of data before it is transmitted to the computer circuits, in order to convert the analog signal into a digital signal format acceptable to the computer. Hence, even though circuitry of device 3 is placed in a card within the box containing the computer *it should be regarded as a peripheral device to the computer which processes data before it is transmitted to the I/O bus of the computer*.

J.A. 2201 (emphasis added).

Unlike Perkins's internal-card embodiment, Infinity argued, the claimed "passive link" conveys data directly to the I/O bus of the computer without intervening circuitry:

> Contrary to the above, when the Applicant transfers digital data from the facsimile transceiver *through a passive link* for scanning to the computer, the non-intercepted data enters through the RS 232 type connector port of the computer and *passes directly to the I/O Bus and is processed by the receiving circuits* (i.e., UART, CPU) *of the computer*, providing a true non intercepted digital signal between the facsimile transceiver and the computer.
>
> In effect, the Applicant's method does not use intermediary peripheral circuitry for signal interception, resulting in demodulation or modulation which is required by Perkins with his card or device 3.

J.A. 2201 (emphases added). This time, Infinity's argument was successful, and the '811 patent issued after further prosecution.

III

The '811 patent was later the subject of three ex parte reexaminations. In one of these, Infinity sought to antedate a reference, U.S. Patent No. 5,900,947 ("Kenmochi"), by arguing that claim 1 of the '811 patent is entitled to the priority date of the '278 application. Specifically, as Infinity recounted in summarizing an examiner interview, Infinity asserted that "the RJ-11 telephone cable shown in Figs. 2b, 2c and 2d of the ['278 application] is the 'direct' and 'passive link.'" J.A. 2500. Infinity made this argument even though each of Figures 2b–d depicts internal fax modem circuitry like Perkins's internal-card embodiment.

Likewise, in its written response to the Kenmochi rejection, Infinity argued that "the RJ 11 telephone cable and

use thereof in communicating data between the fax machine 30 and the PC computer 40 meets the . . . definition of 'passive link.'" J.A. 2377–78. "For example, with respect to Figures 2b–2d" of the '278 application, Infinity argued, "the RJ 11 telephone cable connects the fax machine 30 to the PC computer 40 such that there is no intervening apparatus or signal interception by a processing element or any active component, along the path of an unbroken direct connection between the PC and the facsimile machine." J.A. 2378 (internal quotation marks omitted). Along the way, Infinity acknowledged that "[t]he term 'passive link' was first introduced in an amendment . . . to distinguish the invention of the ['811 patent] from Perkins." J.A. 2377.

Infinity also submitted an expert declaration during the reexamination. Without addressing the prior distinction of Perkins, Infinity's expert witness likewise opined that Figures 2b–d of the '278 application disclose a "passive link." J.A. 1980. He added that "the use of a modulation procedure within the PC and facsimile machine as shown in the figures does not insert an intervening apparatus or processing element along the path, e.g. on the cable between the PC's RJ-11 and the fax's RJ-11." J.A. 1980.

The examiner accepted Infinity's argument without expressly addressing Infinity's prior distinction of Perkins, J.A. 2525–29, despite recognizing in an interview summary that "the 'passive link' limitation" was a basis on which Infinity overcame "rejections based on Perkins" during prosecution. J.A. 1992. After further proceedings, including an appeal to the Patent Trial and Appeal Board ("Board"), a reexamination certificate ultimately issued noting the patentability of the claims.

IV

In this case, Oki Data argued before the district court that the terms "passive link" and "computer" are indefinite because Infinity took conflicting positions on the endpoint of the "passive link" during prosecution. In particular, Oki

Data argued that Infinity took one position to overcome Perkins and a different position to antedate Kenmochi—creating uncertainty as to where the "passive link" ends and where the "computer" begins. At the *Markman* hearing, Infinity acknowledged that one of ordinary skill would need to be reasonably certain where the passive link ends and the computer begins in order for the claims to be definite. *Infinity Comput. Prods., Inc. v. Oki Data Ams., Inc.*, No. 18-463, 2019 WL 2422597, at *4 (D. Del. June 10, 2019), *reconsideration denied*, 2019 WL 5213250 (D. Del. Oct. 16, 2019).[2]

The district court agreed with Oki Data that "passive link" and "computer" are indefinite. First, the court explained that Infinity had taken materially inconsistent positions regarding the extent of the claimed "passive link"—specifically, whether it ends at the I/O bus inside the computer (as argued to distinguish Perkins) or merely at the computer's port (as argued to antedate Kenmochi). *Id.* at *4–6. Therefore, the court concluded, the endpoint of "passive link" is not reasonably certain and the term is indefinite. *Id.*

Second, the court reasoned that because there is not reasonable certainty about where the "passive link" ends, there also cannot be reasonable certainty about where the "computer" begins. *Id.* at *6. "Specifically, where the passive link ends at a computer port, the computer begins at the port, and where the passive link ends at the I/O bus, the computer begins at the I/O bus." *Id.* The court denied Infinity's motion for reconsideration and entered a final judgment of invalidity. *Infinity*, 2019 WL 5213250, at *1–

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[2] *Markman* Tr. 61:19–22, J.A. 3855 (The Court: "In order for these claims to be definite, does one of skill in the art have to be reasonably certain where the passive link ends and the computer begins?" Mr. DiNovo: "Yes.").

2; J.A. 22. This appeal followed. We have jurisdiction under 28 U.S.C. § 1295(a)(1).

DISCUSSION

I

"The Patent Act requires that a patent specification 'conclude with one or more claims *particularly pointing out and distinctly claiming* the subject matter which the applicant regards as [the] invention.'" *Nautilus, Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898, 901 (2014) (alteration in original) (quoting 35 U.S.C. § 112, ¶ 2 (2006)). "[A] patent is invalid for indefiniteness if its claims, read in light of the specification delineating the patent, and the prosecution history, fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention." *Id.* This standard strikes the "delicate balance" of accounting for both "the inherent limitations of language" and the need to "afford clear notice of what is claimed, thereby apprising the public of what is still open to them." *Id.* at 909 (cleaned up). It also serves as a "meaningful . . . check" against "foster[ing] [an] innovation-discouraging 'zone of uncertainty.'" *Id.* at 910–11 (quoting *United Carbon Co. v. Binney & Smith Co.*, 317 U.S. 228, 236 (1942)).

Indefiniteness is ultimately a question of law that we review de novo. *Teva Pharms. USA, Inc. v. Sandoz, Inc.*, 789 F.3d 1335, 1341 (Fed. Cir. 2015). "[W]e look to the patent record—the claims, specification, and prosecution history—to ascertain if they convey to one of skill in the art with reasonable certainty the scope of the invention claimed." *Id.* "The prosecution history 'consists of the complete record of the proceedings before the PTO,'" including reexamination proceedings. *InTouch Techs., Inc. v. VGO Commc'ns, Inc.*, 751 F.3d 1327, 1341 (Fed. Cir. 2014) (quoting *Phillips v. AWH Corp.*, 415 F.3d 1303, 1317 (Fed. Cir. 2005) (en banc)); *see also Krippelz v. Ford Motor Co.*, 667 F.3d 1261, 1266 (Fed. Cir. 2012) ("A patentee's statements during reexamination can be considered during

claim construction."). And "[a] statement made during prosecution of related patents may be properly considered in construing a term common to those patents." *Teva*, 789 F.3d at 1343.

Indefiniteness may result from inconsistent prosecution history statements where the claim language and specification on their own leave an uncertainty that, if unresolved, would produce indefiniteness. In *Teva*, for example, we concluded that the term "molecular weight" was indefinite. The parties had agreed that the term could refer to any of three different measures that are calculated in different ways and that typically yield materially different results. *Id.* at 1341. Neither the claim language nor the specification indicated which measure the claims covered. *Id.* The prosecution history did not answer the question. To the contrary, in the prosecution histories of two continuation applications with nearly identical specifications, the patentee defined the term in two different ways—in each case to successfully overcome a rejection. *Id.* at 1343–45. On that record, we concluded that the term was indefinite. *Id.* at 1345. The record here is similar. As with the term "molecular weight" in *Teva*, the claim language and specification do not provide reasonable certainty about a crucial aspect of "passive link," namely, where it ends. And far from resolving the uncertainty during prosecution, Infinity took conflicting positions during prosecution regarding the scope of "passive link."

At first, Infinity argued that a "passive link" does not allow for intervening circuitry, like a fax modem, between the fax machine and the I/O bus of the computer. At the time, Infinity asserted that even circuitry "within the box containing the computer," like Perkins's device 3, "should be regarded as a peripheral device to the computer which processes data before it is transmitted to the I/O bus of the computer." J.A. 2201. Unlike Perkins, Infinity argued, data transmitted "through a passive link . . . passes directly to the I/O Bus and is processed by the receiving

circuits . . . of the computer." J.A. 2201. On its own, this position would lead one of ordinary skill to believe a passive link does not end at the computer's port but rather reaches to the I/O bus of the computer—especially "[g]iven the role of the statement in gaining allowance of the claims," *Teva*, 789 F.3d at 1344.

Later, Infinity reversed course. During reexamination, Infinity contended that the passive link was coextensive with the RJ-11 cable in the embodiments of Figures 2b–d—embodiments which *do* include intervening circuitry (such as fax modems) between the fax machine and the computer's I/O bus—indeed, within the "box containing the computer" like Perkins's device 3. On its own, this argument would lead one of ordinary skill to believe a "passive link" ends at the computer's port.

The public-notice function of a patent and its prosecution history requires that we hold patentees to what they declare during prosecution. *Teva*, 789 F.3d at 1344. But holding Infinity to both positions results in a flat contradiction, providing no notice to the public of "what is still open to them." *Nautilus*, 572 U.S. at 909. Here, one of ordinary skill cannot determine with any reasonable certainty, for instance, whether or not the claims cover arrangements like the internal-card embodiment of Perkins and the internal-modem embodiments of Figures 2b–d. On the record before us, therefore, we agree with the district court that the intrinsic evidence leaves an ordinarily skilled artisan without reasonable certainty as to where the passive link ends and where the computer begins.

II

Infinity's contrary arguments are unavailing. Before the district court and on appeal, Infinity advanced its reexamination interpretation—i.e., that the passive link ends (and the computer begins) at the computer's port. But as the district court recognized, such an interpretation contradicts Infinity's distinction of Perkins—in which Infinity

called Perkins's device 3 an intervening apparatus even though it was internal to the computer. *Infinity*, 2019 WL 5213250, at *1 ("Thus, if the 'passive link' ends at a computer *port* and not at the computer's I/O bus, as Infinity now suggests, Perkins would include a 'passive link,' rendering the patentee's distinction from Perkins nugatory.").

Infinity argues that the court misinterpreted its statements distinguishing Perkins. According to Infinity, the passive link is the physical cable spanning the fax machine and the computer and Infinity's prosecution statements should be interpreted to mean that the data flowing through the passive link, rather than the passive link itself, proceeds uninterrupted to the I/O bus. But "we hold patentees to the actual arguments made, not the arguments that could have been made" during prosecution. *Tech. Props. Ltd. LLC v. Huawei Techs. Co.*, 849 F.3d 1349, 1359 (Fed. Cir. 2017). And the Supreme Court has warned us against "viewing matters *post hoc*" to "ascribe *some* meaning to a patent's claims." *Nautilus*, 572 U.S. at 911–12. Here, Infinity stated that the passive link is the reason why its invention requires no intervening apparatus. J.A. 2196 ("The Applicant creates a passive link . . . . Therefore, the Applicant does not require any intervening apparatus as does Perkins."). To distinguish Perkins's internal-card embodiment, the passive link could not be merely a cable that ends at the computer's port.

Infinity has also at various points relied on an express definition of "passive link" that it presented to the Patent Office. Infinity first offered this definition in response to a rejection that came after Perkins was withdrawn, and later again through its expert witness during reexamination and before the Board.[3] The definition provides:

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[3] Infinity's appeal to the Board concerned whether the '278 application supports claims reciting digital-signal

> [A] "passive link" is one where the initiation of data flow is activated from a set-up procedure within the PC and/or the facsimile machine, and said data is transferred, with no intervening apparatus or signal interception by a processing element or any active component, along the path of an unbroken direct connection between the PC and the facsimile machine, for purposes of providing both scanning or printing data.

J.A. 1784. This is no help. According to this definition, a passive link is "one" characterized by the properties described. The definition, therefore, does not resolve the point in question: the extent of the "link."

Additionally, Infinity emphasizes that it submitted "unrebutted expert testimony" to the district court. Yet the testimony Infinity submitted merely states that "passive link" needs no construction and, in the alternative, that it should be construed according to the unhelpful definition above. J.A. 2975–76. And, as Oki Data notes, that testimony repeats the very same statements made during reexamination that gave rise to the inconsistency in the first place. Infinity's contradictory positions are plain from the patent record. The district court therefore saw no need for extrinsic evidence, and neither do we. *See Teva*, 789 F.3d at 1342 ("The internal coherence and context assessment of the patent, and whether it conveys claim meaning with reasonable certainty, are questions of law.").

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transmission. J.A. 3281. In passing, the Board described Figures 2b–d of the '811 patent as depicting a passive link—i.e., "the RJ-11 telephone cable"—based on the definition that Infinity's expert witness proffered. J.A. 3284. The Board's only mention of Perkins related to Infinity's prosecution argument that Perkins disclosed an analog-only configuration. J.A. 3287.

We also reject Infinity's argument that the district court should not have held the claims indefinite based on a "single statement." *E.g.*, Appellant's Br. 50–53. As an initial matter, we disagree that the court did so. As discussed above, Infinity repeatedly made the distinction that was eventually successful in overcoming Perkins. Moreover, as Oki Data points out, a single contradictory statement was sufficient in *Teva*. Indeed, we noted there that we hold patentees even to erroneous prosecution statements. *Teva*, 789 F.3d at 1344.

Further, it is immaterial that Infinity also distinguished Perkins on another ground—i.e., that Perkins discloses an analog-only arrangement. *See, e.g.*, *Andersen Corp. v. Fiber Composites, LLC*, 474 F.3d 1361, 1374 (Fed. Cir. 2007) ("An applicant's invocation of multiple grounds for distinguishing a prior art reference does not immunize each of them from being used to construe the claim language."). Infinity admits that it made both distinctions during prosecution. Reply Br. 20. And, for what it's worth, Infinity commented in an interview during reexamination that "the examiner did not find the analog versus digital signal argument persuasive." Reply Br. 20; J.A. 1992.

We also disagree that the presence of the term "computer interface" in the claim at the time of the Perkins distinction somehow harmonizes Infinity's inconsistent statements. As the district court explained, the claim at the time also recited "a passive link . . . from the facsimile machine to the computer." *Infinity*, 2019 WL 5213250, at *2 (alteration in original). And Infinity "did not make any mention of, let alone place any material significance on, the phrase 'computer interface' in its distinction of the claimed invention's 'passive link' from the connection in Perkins." *Id.*

Last, Infinity argues that "computer" is a familiar term with a well-understood ordinary meaning. We recognize

that, in a vacuum, it might seem odd to hold "computer" indefinite. We also recognize that the specification identifies examples of commercial computers, such as an "Apple Macintosh" and an "IBM PC." '811 patent col. 4 ll. 64–66. Yet the indefiniteness here does not reside in the term "passive link" or "computer" on its own but rather in the relationship between the two in the context of these claims.[4] And any resulting strangeness stems from Infinity's own statements. *See, e.g.*, J.A. 2201 ("[E]ven though circuitry of device 3 is placed in a card within the box containing the computer[,] it should be regarded as a peripheral device to the computer."). As already noted, Infinity agrees that one of ordinary skill would need to be reasonably certain where the passive link ends and where the computer begins. There is no reasonable certainty as to that boundary. We therefore agree with the district court that both terms are indefinite.

III

We have considered Infinity's remaining arguments and find them unpersuasive. The district court correctly concluded that the asserted claims are invalid for indefiniteness. We affirm.

AFFIRMED

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[4] *See Markman* Tr. 49:19–25, J.A. 3843 (Mr. Labgold: "[W]e all know what a computer is. That is not what the issue is. It's the way that it is being used and how it has been differentiated with regard to the passive link.").

United States Court of Appeals for the Federal Circuit

INFINITY COMPUTER PRODUCTS, INC.,
Plaintiff-Appellant

v.

OKI DATA AMERICAS, INC.,
Defendant-Appellee

2020-1189

Appeal from the United States District Court for the District of Delaware in No. 1:18-cv-00463-LPS, Chief Judge Leonard P. Stark.

JUDGMENT

THIS CAUSE having been considered, it is

ORDERED AND ADJUDGED:

AFFIRMED

ENTERED BY ORDER OF THE COURT

February 10, 2021

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

FORM 19. Certificate of Compliance with Type-Volume Limitations **Form 19**
July 2020

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS

Case Number: 2020-1189

Short Case Caption: Infinity Computer Products, Inc. v. Oki Data Americas, Inc.

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