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A Patent Emergency

May 21, 2020Dennis Crouch
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The Chamberlain Group, Inc. v. Techtronic Indus. Co. (Supreme Court 2020)

Chamberlain Group's asserted patent claims a garage-door-opener (claim 1, 5) and an associated method (claim 15). US7224275.

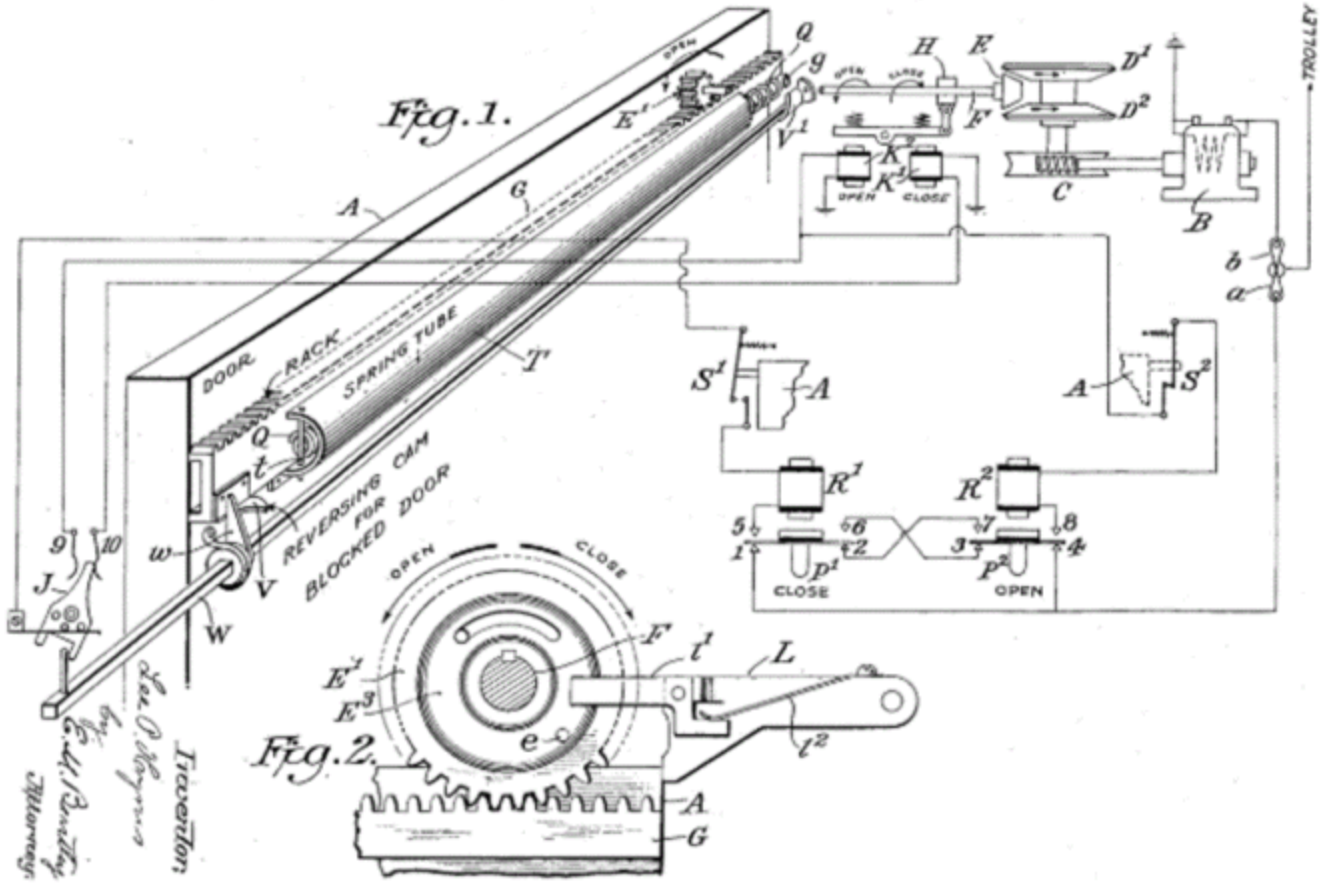
Garage doors and opening mechanisms have been the subject of patents for 150 years. Back in 1919 Lee Hynes filed an early patent on electric-controller for a car door operating mechanism. Despite this long history, the Federal Circuit found Chamberlain's patent ineligible under 35 U.S.C. 101 as directed to an abstract idea.

July 1, 1924. 1,499,735

L. P. HYNES

CAR DOOR OPERATING MECHANISM

Filed Feb. 21, 1919



Chamberlain's opener consists of three key elements:

- A device controller — This is an electronic component that receives and processes control signals and sends out the orders to open/close.
- A movable barrier interface coupled to the controller — This is the actual drive or clutch mechanism that powers the door movement.
- A wireless data transmitter coupled to the controller.

By the time this patent application was filed, all three of these elements were all "generally well understood in the art." The innovative feature of the claims is that the system is designed to transmit the door's "present operational status" — i.e., is it moving

up; moving down; reversing; blocked; etc. The signal also includes a "relatively unique" identifier for folks with multiple garage doors so that the unclaimed receiver can tell which door is up/down. Note here that there is nothing new about these various status points — the only difference is that it that the signals are being sent, and being sent wirelessly.

So, although the patent claims a garage-door-opener including various physical components, the point-of-novelty is that a particular signal is being sent wirelessly. In its decision, the Federal Circuit found the wireless transmission of status to be an abstract idea: "the broad concept of communicating information wirelessly, without more, is
an abstract idea." One Alice Step 2, the court held that the claims did not include any inventive concept beyond the excluded abstract idea:

In other words, beyond the idea of wirelessly communicating status information about a movable barrier operator, what elements in the claim may be regarded as the "inventive concept"?

[W]ireless transmission is the only aspect of the claims that CGI points to as allegedly inventive over the prior art. . . . Wireless communication cannot be an inventive concept here, because it is the abstract idea that the claims are directed to. Because CGI does not point to any inventive concept present in the ordered combination of elements beyond the act of wireless communication, we find that no inventive concept exists in the asserted claims sufficient to transform the abstract idea of communicating status information about a system into a patent-eligible application of that idea.

Fed. Cir. Opinion.

The new petition has two focal points (1) whether eligibility should be seen as a "narrow exception;" and (2) whether the Federal Circuit errs in its approach of separating the claim into various components and excluding the abstract idea portion from the claim when considering Alice Step 2

Question presented:

Whether the Federal Circuit improperly expanded § 101's narrow implicit exceptions by failing to properly assess Chamberlain's claims "as a whole," where the claims recite an improvement to a machine and leave ample room for other inventors to apply any underlying abstract principles in different ways.

Chamberlain Petition. The petition also repeats the refrain of unsettling uncertainty:

The root cause of all this ire and uncertainty is the Federal Circuit's insistence once again on crafting an elaborate test that strays from—and here, contradicts—the plain text of the Act.

Id.

The petition ends with a call for immediate action — calling out the current situation as "a patent emergency." The breadth of eligibility challenges are shifting innovator behavior:

[T]here is no time. Innovators are adapting their behavior right now to the Federal Circuit's new patent-hostile regime. Investors are deciding now to withhold investments they would have made before the Federal Circuit changed the law. Waiting any longer to intervene could inflict irreparable harm on U.S. industry.

Techtronic has already waived its right to respond to the petition — meaning that the Supreme Court may act on the petition before the close of its current session in June.