

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

YOUTOO TECHNOLOGIES, LLC,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 3:16-CV-0764-N
	§	
TWITTER, INC.,	§	
	§	
Defendants.	§	

ORDER

This Order addresses the issue of claim construction of the patent in suit, U.S. Patent Number 9,083,997 (the “Patent”). The Court has reviewed the parties’ briefs and all related filings and evidence, including the patent in suit, the specifications, the patent prosecution history to the extent it was submitted by the parties, as well as the parties’ proposed claim constructions. The Court hereby construes the disputed claims according to *Markman v. Westview Instruments, Inc.*, 52 F.3d 967 (Fed. Cir. 1995) (en banc), *aff’d*, 517 U.S. 360 (1996).

I. BACKGROUND

The Patent, entitled “Recording and Publishing Content on Social Media Websites,” was issued by the USPTO on July 14, 2015, and is now assigned to Plaintiff YouToo Technologies, LLC (“Youtoo”). Youtoo now sues Defendant Twitter, Inc. (“Twitter”) for alleged infringement. The Patent teaches systems and methods for recording and publishing

video content on a social networking platform or on other web-based or television-based platforms. The prior art included uploading previously recorded video to social media sites; the inventors sought to improve on that process. The Patent derives from two prior applications: the '775 application (USPAN 13/013,775) and the application leading to the '304 Patent, U.S. Patent No. 8,464,304 (which incorporates the '775 application and which is incorporated into the Patent's specification). *See* Patent 5:25-37.

This case does not raise any unusual legal issues in connection with claim construction, so the Court will dispense with the customary overview of claim construction legal principles and will address specific legal issues as they may arise in the course of claim construction.

The principal point of contention between the parties is whether the invention is limited to thin clients or web browser-based clients, or could encompass fat clients.¹ Generally put, in thin client or web browser clients, the client hardware displays the user interface and interacts with a server over a network, but it is the remote server that does most of the processing work. This is in contrast to a fat client, where most or much of the processing is done on the local client device. *See generally* Fat Client, at en.Wikipedia.org/wiki/fat_client (last visited July 12, 2017). Think of a Chromebook user

¹Or "thick client" or "heavy client" or "rich client." No fat shaming intended.

running Google Docs over the internet in the cloud, in contrast to a PC user running Microsoft Windows on a local PC.²

II. CLAIM CONSTRUCTION

A. provid[ing/e] a content capture user interface within displayed instances of a first graphical use interface

1. Youtoo's Proposed Construction

provid[ing/e], in a graphical user interface, an interface that allows a user to record content to a server

2. Twitter's Proposed Construction

provid[ing/e] a content recorder interface in a thin client application or web application

3. Discussion

This case brings squarely into conflict two cardinal principals of claim construction:

[T]he 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.

Phillips v. AWH Corp., 415 F.3d 1303, 1315 (Fed. Cir. 2005) (en banc).

For instance, although the specification often describes very specific embodiments, we have repeatedly warned against confining the claims to these embodiments.

²The details of this description have no bearing on the Court's analysis. It is provided for vocabulary purposes only.

Id. at 1323.

The parties have two disputes regarding this term. First, Twitter argues that the only invention disclosed in the specification is thin client or web browser based. Youtoo responds that nothing in the claim language suggests such a limitation and that Twitter is improperly trying to limit the claims to the disclosed embodiments. Second, Youtoo argues that the prosecution history shows that it disclaimed local recording. The Court addresses these arguments in turn.

The Court rejects Twitter's argument that the invention is limited to thin client or web browser applications. First, nothing in the claim language itself supports such a limitation. Second, the doctrine of claim differentiation supports Youtoo's construction. *See Comark Comms., Inc. v. Harris Corp.*, 156 F.3d 1182, 1187 (Fed. Cir. 1998). This disputed language in independent claims 20 and 31 can be contrasted to dependent claims 23 and 25, which recite a recording interface "within" a "first graphical user interface" that comprises "a first webpage." That additional limitation in the dependant claims would be surplusage if Twitter's construction were correct. Finally, the specification discloses that the video recording interface may be provided by an installed application, Patent 5:43, web application, *id.*, a specialized application capable of running on a user device, *id.* 10:46-47, or web-server based thin client application. *Id.* 10:44. *Accord* '304 Patent 14:52-58 (disclosing installed application, incorporated by reference into the Patent). The options of an installed application or a specialized application capable of running on a user device are plainly

inconsistent with Twitter's proposed limitation to thin client applications or web applications. The Court accordingly rejects Twitter's proposed construction on this issue.

The Court now turns to Youtoo's proposed limitation to recording content to a server, where the shoe is on the other foot. Both sides agree that the content eventually ends up on the server. The point of dispute is whether the claim is limited to initially recording to a server, or whether it encompasses recording locally and uploading to a server.³ Youtoo's argument is based on the history of the parent '382 patent,⁴ where Youtoo disclaimed local recording. This resulted in amended claim language in the '382 patent: "video recorder interface is adapted to allow users to record video, *as it is captured*, to a server external to the social networking system" Youtoo App. at 94, 96 (added language italicized). The problem with Youtoo's argument is that there is no such corresponding amendment to the claims in the Patent. The Court therefore declines to amend the claims to add this limitation.

Adopting Youtoo's construction on the first point, and Twitter's on the second point, the Court construes the claim language as follows: provid[ing/e], in a graphical user interface, an interface that allows a user to record content.⁵

³Twitter suggests that Youtoo has learned of Twitter's prior art during the concurrent inter partes proceeding and is attempting to add this limitation to avoid some invalidating prior art. Regardless whether that is the case, it is irrelevant to the Court's construction.

⁴The Patent was terminally disclaimed over the '382 patent to overcome a rejection based on nonstatutory double patenting. *See* Youtoo App. 128-29 [76].

⁵Query whether this adds enough to the literal claim language to be worth the effort. The Court notes that the parties include "content capture user interface" as a term to be construed and both simply refer to the construction of this language. The Court believes no further construction of "content capture user interface" is required.

B. graphical user interface that includes display elements hosted on a web server system

1. Youtoo's Proposed Construction

graphical user interface that includes elements from a web server system

2. Twitter's Proposed Construction

web-based interface displayed through a browser and hosted on a web server system

3. Discussion

Youtoo's proposed construction replaces "hosted on" with "from." Twitter contends that change is substantive, merely requiring that the display elements at one time resided on a web server system rather than being "hosted on" the web server system. The Court agrees; "hosted on" carries with it a temporal relationship that "from" does not. Twitter, on the other hand, again tries to import its thin client, browser based vision of the Patent. For the reasons stated above, the Court also rejects Twitter's attempt to import limitations from an embodiment into the claim language. On balance, the Court finds that no construction of this phrase is required.

C. frame

1. Youtoo's Proposed Construction

a window or view in a graphical user interface

2. Twitter's Proposed Construction

an iFrame or other HTML frame embedded within a webpage

3. Discussion

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Twitter yet again tries to impose its thin client, browser based vision onto the Patent. For the reasons stated above, the Court rejects Twitter's attempt to limit the claim language and adopts Youtoo's proposed construction.

D. the user content management server system

1. Youtoo's Proposed Construction

the system that includes the one or more user content management servers

2. Twitter's Proposed Construction

plain and ordinary meaning

3. Discussion

Both parties agree that this term encompasses one or more servers. Because that understanding might not be apparent to a juror from the claim language, the Court will adopt Youtoo's proposed construction.

E. communication interface between the web server system and the user content management server system / communication interface between the web server system and the one or more user content management servers

1. Youtoo's Proposed Construction

application programming interface that provides access to the recording functionality on the one or more user content management servers

2. Twitter's Proposed Construction

communication network interface or application programming interface

3. Discussion

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Twitter argues that Youtoo's proposed construction this time is the one importing a limitation from the specification by adding the limitation "that provides access to the recording functionality on the one or more user content management servers."⁶ The Court must agree with Twitter, and declines to add that limitation. Both sides agree that the communication interface can be an application programming interface ("API").⁷ Twitter argues that the term "communication interface" is broader than API; its solution is to introduce the undefined term "communication network interface." The Court agrees with Youtoo that this undefined term is not helpful. Accordingly, the Court adopts the following construction:

Communication interface, including but not limited to an application programming interface, between the web server system and the user content management server system / communication interface, including but not limited to an application programming interface, between the web server system and the one or more user content management servers

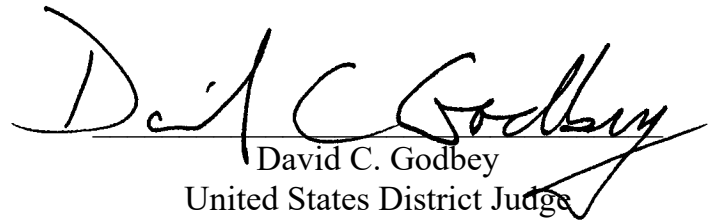
CONCLUSION

The Court construes the disputed terms as indicated above. The Court will by separate Order establish a schedule for trial.

⁶Twitter again suggests that Youtoo is attempting to narrow the claims to avoid invalidating prior art. Operating in the artificial *Markman* information vacuum, the Court expresses no opinion on that subject.

⁷Neither party proposes a construction for API, which the Court understands to be a well-defined term in computer science. The Court will not undertake to provide a definition of API, under those circumstances.

Signed July 18, 2017.


David C. Godbey
United States District Judge