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USA: Google Inc. v. SimpleAir, Inc, United States Court of Appeals, Federal Circuit, No. 2016-1901, 28 March 2017

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Sunday, April 9th, 2017

In an inter partes review (IPR) proceeding challenging a SimpleAir patent that described a method of transmitting data to remote computing devices, the Patent Trial and Appeal Board did not err in concluding that IPR petitioner Google failed to establish that a combination of prior art references rendered the challenged claims unpatentably obvious, the U.S. Court of Appeals for the Federal Circuit has held. Under the “broadest reasonable interpretation” (BRI) claim construction standard, the Board determined that Google’s cited prior art did not teach a crucial claim limitation—a “central broadcast server”—thereby precluding Google’s obviousness argument. Google waived its argument that the Board’s claim construction was incorrect because it failed to make this argument before the Board, and instead agreed with the Board’s BRI interpretation of “central broadcast server.” The court rejected Google’s contention that its cited prior art taught a “central broadcast server” even under the Board’s construction (Google Inc. v. SimpleAir, Inc., March 28, 2017, Clevenger, R.).

A full summary of this case has been published on [Kluwer IP Law](#)

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