

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, ALEXANDRIA DIVISION

DivX, LLC v. Amazon.com, Inc. et al.

DivX · No. 1:24-cv-2061-MSN-LRV · Decided May 4, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia addresses Amazon's motion for summary judgment in a patent-infringement action brought by DivX, LLC involving video-streaming patents. The court grants summary judgment of noninfringement as to the 141, 806, 938, and 943 patents and denies it as to the 303 patent, while also resolving issues concerning willful infringement, foreign damages, and claim construction clarification.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Alexandria Division
WRITING FOR THE COURT	Michael S. Nachmanoff
JURISDICTION	United States District Court for the Eastern District of Virginia, Alexandria Division
DECIDED	May 4, 2026
DOCKET	1:24-cv-2061-MSN-LRV
DISPOSITION	other
PROCEDURAL POSTURE	Following claim construction and the close of discovery in a patent-infringement action, Amazon moved for summary judgment of noninfringement, no willful infringement, and no foreign damages. DivX moved for clarification of claim construction.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. The evidence must be viewed in the light most favorable to the nonmovant, without weighing evidence or making credibility determinations. In the patent-infringement context, summary judgment is proper when, under the correct claim construction, no reasonable jury could find infringement on the undisputed facts or reasonable inferences.
PRECEDENTIAL VALUE	unpublished

TOPICS

patent infringement

patent law

summary judgment

civil procedure

intellectual property

PRACTICE AREAS

patent law

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QUESTIONS PRESENTED

1. Whether Amazon was entitled to summary judgment of noninfringement of the 943 patent based on the accused AES cipher's use of an externally sourced content key.
2. Whether Amazon was entitled to summary judgment of noninfringement of the 141 patent because the accused products did not follow the court-ordered sequence of claim 20's steps.
3. Whether Amazon was entitled to summary judgment of noninfringement of the 806 patent because the accused products did not encode the same portion of video at each parallel transcoding device.
4. Whether Amazon was entitled to summary judgment of noninfringement of the 303 and 938 patents based on alleged dependencies among tiles in the accused AV1 bitstreams.
5. Whether Amazon was entitled to summary judgment of noninfringement of claims 1 and 8 of the 938 patent because DivX lacked evidence that decoding occurred by a plurality of processors in parallel.
6. Whether DivX presented sufficient evidence of willful infringement of the asserted patents.
7. Whether DivX could recover foreign damages based on Amazon's testing of Prime Video players in Seattle.
8. Whether the Court should clarify its construction of the term 'key' in the 943 patent claims.

HOLDINGS

1. The 'key' used in the 943 patent's claimed cipher is an outside source or external input. Because the accused AES cipher ultimately receives the externally sourced content key through the KeyExpansion function, the accused products do not infringe the asserted 943 patent claims.
2. The accused products do not infringe claim 20 of the 141 patent because they obtain the step 20.b information and step 20.f index information contemporaneously in a single manifest, contrary to the court-ordered requirement that step 20.f occur after step 20.b.
3. The record contained a genuine issue concerning whether the accused products sometimes request post-seek byte ranges from the same selected video track as before the seek, but that issue did not preclude summary judgment because the products independently failed the required step ordering.
4. The claim language does not require the accused products' media metadata to be generated before every decoding operation associated with transcoding. Metadata generated before the second-pass transcoding can satisfy the requirement that it be generated before decoding during a transcoding, and the metadata need only be related to the source video file.

5. The accused products do not infringe claim 1 of the 806 patent because their split-and-stitch process encodes different timed portions of video at different encoders, whereas the claim requires the plurality of transcoding devices to decode and encode the same claimed portion of the source video.
6. The claims do not require the tiles of every frame in the received bitstream to be independently encoded. The use of 'comprising' and 'plurality' permits infringement where at least two frames satisfy the independent-tile limitation, even if other frames do not.
7. DivX failed to present evidence sufficient to create a genuine dispute that the accused products decode the relevant frame by a plurality of processors in parallel. Amazon was therefore entitled to summary judgment of noninfringement of the 938 patent on this independent ground.
8. The evidence was legally insufficient to support willful infringement as a matter of law. Amazon was entitled to summary judgment of no willful infringement as to all asserted patents.
9. DivX could not recover foreign damages based on Amazon's testing of accused Prime Video players in Seattle because the evidence did not show that the domestic testing proximately caused, enabled, or was necessary to enable otherwise unavailable foreign profits.

KEY QUOTATIONS

“In the patent infringement context, it must be shown that “on the correct claim construction, no reasonable jury could have found infringement on the undisputed facts or when all reasonable factual inferences are drawn in favor of the patentee.”” (legal standard)

“Amazon’s Motion (ECF 195) IS DENIED as to noninfringement of the 303 Patent.” (conclusion)

FACTUAL BACKGROUND

DivX asserted seven patents concerning encrypted video playback, video trick-play functionality, video transcoding, and independently encoded video tiles. Amazon's accused products use technologies including AES encryption, manifest files, banding detection, split-and-stitch transcoding, and AV1 video encoding. The Court found that the undisputed technical evidence defeated infringement theories for several patents, but found a genuine dispute concerning whether Amazon's accused products could sometimes maintain the same selected video track before and after a seek instruction under claim 20 of the 141 patent; that dispute did not affect the result because the products failed the required claim-step ordering. The record did not establish willful infringement or that testing in Seattle enabled or was necessary to enable foreign profits.

PROCEDURAL HISTORY

DivX sued Amazon.com, Inc. and Amazon Web Services, Inc. for infringement of seven video-streaming patents. The Court previously construed claim terms and invalidated the 195 and 785 patents for indefiniteness. After discovery closed, Amazon moved for summary judgment concerning the remaining patents, willfulness, and foreign damages. The Court granted DivX's motion for clarification, granted Amazon summary judgment of noninfringement as to the 141, 806, 938, and 943 patents, granted summary judgment of no willful infringement, granted summary judgment of no foreign damages as to the 141, 938, and 943 patents and claim 16 of the 303 patent, and denied summary judgment of noninfringement as to the 303 patent.

DISPOSITION

other

CASES CITED

- Sedar v. Reston Town Center Property, LLC, 988 F.3d 756, 761 (4th Cir. 2021)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252 (1986)
- TechSearch, LLC v. Intel Corp., 286 F.3d 1360, 1371-72 (Fed. Cir. 2002)
- Phonometrics, Inc. v. N. Telecom Inc., 133 F.3d 1459, 1465 (Fed. Cir. 1998)
- Enzo Biochem, Inc. v. Applera Corp., 780 F.3d 1149, 1150, 1156-57 (Fed. Cir. 2015)
- Wahpeton Canvas Co., Inc. v. Frontier, Inc., 870 F.2d 1546, 1552 n.9 (Fed. Cir. 1989)
- Bell Communications Research, Inc. v. Vitalink Communications Corp., 55 F.3d 615, 622-23 (Fed. Cir. 1995)
- Sunovion Pharmaceuticals, Inc. v. Teva Pharmaceuticals USA Inc., 731 F.3d 1271, 1276 (Fed. Cir. 2013)
- Invitrogen Corp. v. Biocrest Manufacturing L.P., 327 F.3d 1364, 1368 (Fed. Cir. 2003)
- Dippin Dots, Inc. v. Mosey, 476 F.3d 1337, 1343 (Fed. Cir. 2007)
- Dayco Products, Inc. v. Total Containment, Inc., 258 F.3d 1317, 1328 (Fed. Cir. 2001)
- Limestone Memory Systems LLC v. Micron Technology Inc., 2019 WL 6655273, at *13 (C.D. Cal. Sept. 11, 2019)
- Bowers v. Baystate Technologies, Inc., 320 F.3d 1317, 1332 (Fed. Cir. 2003)
- ResQNet.com, Inc. v. Lansa, Inc., 346 F.3d 1374, 1382 (Fed. Cir. 2003)
- Daingean Technologies Ltd. v. T-Mobile USA, Inc., 2025 WL 1873060, at *5 (E.D. Tex. May 14, 2025)
- Halo Electronics, Inc. v. Pulse Electronics, Inc., 579 U.S. 93, 103-04 (2016)
- Bayer Healthcare LLC v. Baxalta, Inc., 989 F.3d 964, 987 (Fed. Cir. 2021)
- Trustees of Columbia University v. Gen Digital, Inc., 2023 WL 8699181, at *17 (E.D. Va. Sept. 30, 2023), aff'd in relevant part, 169 F.4th 1320 (Fed. Cir. 2026)
- Geoscope Technologies PTE. Ltd. v. Google LLC, 2023 WL 8587382, at *7 (E.D. Va. Feb. 15, 2023)
- Biedermann Technologies GmbH & Co. KG v. K2M, Inc., 528 F. Supp. 3d 407, 425-27, 430 (E.D. Va. 2021)
- Acceleron, LLC v. Dell, Inc., 2022 WL 1087683, at *4-5 (N.D. Ga. Mar. 7, 2022)
- Bioverativ Inc. v. CSL Behring, 2020 WL 133291, at *4 (D. Del. Mar. 23, 2020)
- SRI International, Inc. v. Cisco Systems, Inc., 940 F.3d 1395, 1309 (Fed. Cir. 2019)
- Brumfield, Trustee for Ascent Trust v. IBG LLC, 97 F.4th 854, 876-78, 881 (Fed. Cir. 2024)