



Federal Circuit Review: *Sound View v. Hulu*

July 10, 2026

***Sound View v. Hulu* and the Hidden Danger of Method Claim Ordering**

Conventional wisdom says that absent express ordering language, method claims may be infringed regardless of the order in which the steps of the claim are performed. But what happens when the claims imply ordering? On January 29, 2026, the Federal Circuit Court of Appeals in *Sound View Innovations, LLC v. Hulu, LLC*, No 2024-1092, affirmed summary judgment of noninfringement expressly on the grounds that a method claim may implicitly require steps to be performed in a sequential order, even though no such representation is made expressly in the claims or the specification.

The patent at issue, U.S. Patent No. 6,708,213, owned by Sound View Innovations, LLC, covers methods for streaming multimedia content over networks using “helper servers” that cache and distribute portions of streaming media objects.¹ Claim 16 recites a method with four principal steps being performed in a network (the first two being most relevant here):

16. A method of reducing latency in a network having a content server which hosts streaming media (SM) objects which comprise a plurality of time-ordered segments for distribution over said network through a plurality of helpers (HSs) to a plurality of clients, said method comprising:

receiving a request for an SM object from one of said plurality of clients at one of said plurality of helper servers;

allocating a buffer at one of said plurality of HSs to cache at least a portion of said requested SM object;

downloading said portion of said requested SM object to said requesting client, while concurrently retrieving a remaining portion of said requested SM object from one of another HS and said content server; and

adjusting a data transfer rate at said one of said plurality of HSs for transferring data from said one of said plurality of helper servers to said one of said plurality of clients.²

¹ *Sound View Innovations, LLC v. Hulu, LLC*, No. 24-1092, slip op. (Fed. Cir. Jan. 29, 2026) at 2-3..

² *Id.* at 4.

Nothing in the claim explicitly requires the “receiving” step to be performed before the “allocating” step. The accused Hulu system used edge servers and caching infrastructure that Sound View argued satisfied the claim limitations. Hulu disagreed, asserting that the claim required a “specialized” buffer, and that the first two method steps of Claim 16 had to occur in the order written, which its accused system does not follow. While the Federal Circuit rejected Hulu’s narrowing construction of a specialized buffer, it nevertheless affirmed noninfringement because the accused system did not perform the first two steps in an implicitly required sequence.

The Holding on Implicit Step Ordering

The Federal Circuit found implicit ordering based on the grammatical and logical dependency of the second step on the first. The claim first recites “receiving a request for a streaming media object...,” followed by “allocating a buffer... to cache... said requested streaming media object.”³ According to the Federal Circuit, the phrase “said *requested* streaming media object” creates both a grammatical and logical dependency – the object could not become a “requested” object until after a request had already been received.⁴ The Federal Circuit characterized “requested” not only as a descriptive adjective, but as a “status indicator reflecting a completed action.”⁵ That linguistic framing became central to the holding. Because the second limitation refers to the completed result of the first limitation, the claim language necessarily requires the steps to occur in sequence.⁶ In so holding, the Federal Circuit rejected Sound View’s argument that the express ordering language used in other asserted claims implied that no ordering was required in Claim 16, underscoring that different claims may require ordering in different manners.

This holding builds upon a line of cases emphasizing that, while method steps ordinarily need not be performed in sequence, this presumption is overcome when the logic of the claims, grammar, or the specification requires otherwise. Here, the Federal Circuit decided that the logical and grammatical dependency created by the use of “*requested* streaming media object” was sufficient.

Takeaways for Patent Practitioners and Applicants

This opinion reinforces that the grammatical and logical structure of a claim may impose limitations beyond the express words on the page. Patent practitioners should carefully consider whether claim language unintentionally creates dependencies between steps that may later be construed as requiring a strict sequence of operations when drafting method claims. Terms such as “requested,” “received,” “generated,” and “identified” may implicitly tie later claim limitations to completion of earlier steps, even without express sequencing language. Where ordering is not intended, practitioners may consider broader phrasing, alternative claim structures, or explicit statements in the specification that steps need not occur in the order written unless expressly stated. In addition, embodiments intended to support flexible sequencing should clearly describe those operational flows.

³ *Id.* at 9-10.

⁴ *Id.* at 10-11.

⁵ *Id.* at 11.

⁶ *Id.*

For inventors and patent applicants, *Sound View* highlights the importance of discussing with patent counsel whether a process can practically operate in multiple sequences, even if only one ordering is used in a preferred implementation. A commercially valuable technology may ultimately fall outside the scope of a patent if the claims unintentionally impose operational requirements that competing systems do not follow.

The decision also carries important implications for patent litigation. *Sound View* demonstrates how infringement disputes may ultimately turn on narrow claim construction issues rather than overall technological similarity. Accused infringers may increasingly rely on implicit-ordering arguments to avoid infringement, while patentees should carefully evaluate whether their claims contain hidden sequencing requirements before asserting them in litigation.

This case summary is not intended to provide legal advice, and no legal or business decision should be based on its content. Questions about this case summary should be directed to:

[Colleen H. Hui, Ph.D.](#)
206-695-1770
colleen.hui@cojk.com

[Matthew J. Ruppel](#)
206-695-1656
matthew.ruppel@cojk.com

[John E. Whitaker](#)
206-695-1702
john.whitaker@cojk.com