United States District Court, S.D. California.

## QUALCOMM INCORPORATED,

Plaintiff.

V.

MAXIM INTEGRATED PRODUCTS, INC,

Defendant.

No. 02CV2429-B(JFS)

Dec. 2, 2004.

### ORDER CONSTRUING CLAIMS FOR UNITED STATES PATENT NUMBER 5,732,341

BREWSTER, Senior District Judge.

Plaintiff, Qualcomm, Inc. has brought suit against Defendant, Maxim Integrated Products, Inc. for infringement of United States Patent number 5,732,341 (the "'341 Patent"). Pursuant to Markman v. Westview Instruments, 52 F.3d 967 (Fed.Cir.1995), the Court conducted a hearing on August 16-19 and October 4-7 and 13-14, 2004 to construe the disputed claim terms of the 341 Patent. FN1 At the hearing, Qualcomm was represented by the law firm of Day, Casebeer, Madrid & Batchelder, and Maxim was represented by the firm of Perkins, Coie, Brown & Bain.

FN1. The disputed claims of the '341 Patent are claims 1, 6-8 and 19.

The Court, with the assistance of the parties, interpreted the pertinent terms for all claim terms at issue in the '341 Patent. Additionally, a "Glossary" was prepared for terms found in the '341 Patent, that were considered to be technical in nature and which a jury of laypersons might not understand without a specific definition. As the case advances, the parties may request additional terms to be added to the glossary as may seem helpful to the jury.

After careful consideration of the parties' arguments and the applicable law, the Court **HEREBY CONSTRUES** all disputed claim terms in the '341 Patent, attached as Exhibit A. Further, the Court **HEREBY DEFINES** all pertinent technical terms as written in Exhibit B, attached hereto.

#### IT IS SO ORDERED

#### EXHIBIT A-UNITED STATES PATENT NUMBER 5,732,341-CLAIM CHART

VERBATIM CLAIM	COURT'S CLAIM CONSTRUCTION
LANGUAGE	
Claim 1	Claim 1
A method for circuit gain	A method for circuit gain [the ratio of output signal power to input
adjustment, the circuit having a	signal power] adjustment, the circuit having a signal [information,
signal with power, the method	including interference, that can be transmitted or received within a
comprising the steps of:	circuit] with power, the method comprising the steps of:

		g [changing, either by increasing or decreasing] the circuit predetermined amount;		
		nining a <b>magnitude</b> [size] of a change in the power of the signal		
		ponse to the varying of the circuit gain; and		
response to the varying of the	,			
circuit gain; and				
		ing the circuit gain in response to the magnitude of the change in		
		ower of the signal, the step of adjusting comprising [including at		
change in the power of the signal,	_	but not limited to] the steps of:		
the step of adjusting comprising the		•		
steps of:				
decreasing the circuit gain when the	decrea	asing the circuit gain when [just after the moment that] the		
magnitude of the change in the		tude of the change in the power of the signal is greater than a		
power of the signal is greater than a	predet	termined threshold [level]; and		
predetermined threshold; and				
		sing the circuit gain when [just after the moment that] the		
magnitude of the change in the	_	tude of the change in the power of the signal is less than or equal		
power of the signal is less than or	to the	predetermined threshold.		
equal to the predetermined				
hreshold.		200.0		
Claim 3		Claim 3		
A method for adjusting the power of		A method for adjusting the power of a received signal [a signal		
received signal having a plurality of		that is received by a device] having a plurality of frames		
	gain,	[blocks of information] in a circuit having a variable gain, the		
the method comprising the steps of:	1'	method comprising the steps of:		
receiving the received signal at a radio		receiving the received signal at a radio frequency [frequency		
frequency;	41	above intermediate frequency useful for radio transmission];		
converting the received signal from the		converting the received signal from the radio frequency to an		
radio frequency to an intermediate		intermediate frequency [a frequency, above baseband		
frequency;		frequency, to which a radio frequency is down converted as		
filtering the received signal;		an intermediate step during signal processing]; filtering the received signal [eliminating portions of the		
intering the received signar,		received signal so that desired frequencies are passed through		
		and other frequencies are suppressed];		
varying the gain of the circuit by a		varying [changing, either by increasing or decreasing] the gain		
predetermined amount;		of the circuit by a predetermined amount;		
determining a magnitude of a chang	re in	determining a <b>magnitude</b> [size] of a change in the power of the		
the power of the received signal in	5C III	received signal in response to varying the gain; and		
response to varying the gain; and		received signar in response to varying the gain, and		
adjusting the gain of the circuit in		adjusting the gain of the circuit in response to the magnitude of		
response to the magnitude of the ch	ange	the change in the power of the received signal, said step of		
		adjusting comprising the steps of:		
in the power of the received signal,		decreasing the gain of the circuit when [just after the moment		
in the power of the received signal, step of adjusting comprising the step	nen the			
in the power of the received signal, step of adjusting comprising the step decreasing the gain of the circuit wh		<b>that</b> ] the magnitude of the change in the power of the received		
in the power of the received signal, step of adjusting comprising the step decreasing the gain of the circuit wh magnitude of the change in the pow	er of	<b>that</b> ] the magnitude of the change in the power of the received signal is greater than a predetermined <b>threshold</b> [level]; and		
in the power of the received signal, step of adjusting comprising the step decreasing the gain of the circuit wh magnitude of the change in the pow the received signal is greater than a	er of	<b>that]</b> the magnitude of the change in the power of the received signal is greater than a predetermined <b>threshold [level]</b> ; and		
in the power of the received signal, step of adjusting comprising the step decreasing the gain of the circuit who magnitude of the change in the pow the received signal is greater than a predetermined threshold; and	er of	signal is greater than a predetermined threshold [level]; and		
in the power of the received signal, step of adjusting comprising the step decreasing the gain of the circuit who magnitude of the change in the pow the received signal is greater than a predetermined threshold; and increasing the gain of the circuit who increasing the gain of the circuit who increasing the gain of the circuit who is the circuit who increased the step of the circuit who increased the circuit who in	er of en the	signal is greater than a predetermined threshold [level]; and increasing the gain of the circuit when [just after the moment		
in the power of the received signal, step of adjusting comprising the step decreasing the gain of the circuit who magnitude of the change in the pow the received signal is greater than a predetermined threshold; and increasing the gain of the circuit who magnitude of the change in the pow	en the	signal is greater than a predetermined threshold [level]; and		

Claim 6		Claim 6
		d of claim 3 wherein said step of determining a
step of determining a magnitude of a		of a change in the power of the received signal is
change in the power of the received		after said step of converting the received signal from the
signal is performed after said step of		ency to an intermediate frequency [a frequency, above
		requency, to which a radio frequency, is down
radio frequency to an intermediate		as an intermediate step during signal processing].
frequency.	converted	as an intermediate step during signar processing,
Claim 7		Claim 7
The method of claim 3 wherein said ste	p of	The method of claim 3 wherein said step of
		of determining a magnitude of a change in the power of
the received signal is performed after sa		the received signal is performed after said step of
filtering the received signal.	1	filtering the received signal,
Claim 8		Claim 8
	ng the step o	of The method of claim 3 further comprising the step of
repeating said varying, determining, and		repeating said varying, determining, and adjusting
steps at a predetermined rate.	a dajasting	steps at a predetermined rate.
Claim 19		Claim 19
An apparatus for increasing immunity of	of a	An apparatus for increasing immunity of a
radiotelephone to radio frequency interf		radiotelephone to radio frequency interference,
comprising:		comprising:
an antenna for receiving radio signals;		an antenna for receiving radio signals;
a variable gain receive amplifier for am		a variable gain receive amplifier [a unidirectional
said received signals;		device that is capable of enlarging the waveform
said received signais,		supplied to it, where the gain can be changed over a
		range, either continuously or in incremental steps, in
		a receiver] for amplifying said received signals;
a gain controller for varying a received		a gain controller [a device capable of being used for
level of said received signals by a prede		regulating the gain of another device] for varying a
amount by adjusting a gain of said varia		received power level of said received signals [signals
receive amplifier; and		received by the antenna] by a predetermined amount
receive ampirior, and		[amount determined beforehand] by adjusting a gain of
		said variable gain receive amplifier; and
a receive power detector for detecting a		a receive power detector [a device capable of
of a change in said received power leve		measuring power] for detecting a magnitude [size] of a
received signals in response to said gain		change in said received power level of said received
adjustment;		signals in response to said gain adjustment;
wherein said gain controller adjusts said		wherein said gain controller adjusts said gain of said
said variable gain receive amplifier in r	-	variable gain receive amplifier in response to said
to said magnitude of said change in said		magnitude of said change in said received power level,
received power level, said gain controll		said gain controller decreasing said gain of said variable
decreasing said gain of said variable ga		gain receive amplifier when [just after the moment
receive amplifier when said change in s		that] said change in said received power level is greater
received power level is greater than a		than a predetermined <b>threshold</b> [level], and said gain
predetermined threshold, and said gain		controller increasing said gain of said variable gain
controller increasing said gain of said v		receive amplifier when [just after the moment that]
gain receive amplifier when said change		said change in said received power level is less than or
received power level is less than or equ		equal to said predetermined threshold [level].
said predetermined threshold.		1 1
1		

Term	Definition
Comprising	Including at least, but not limited to
Detector	A device capable of measuring power
Filtering the	Eliminating portions of the received signal so that desired frequencies are passed through
received signal	and other frequencies are suppressed
Frames	Blocks of information
Gain	The ratio of output signal power to input signal power
Gain controller	A device capable of being used for regulating the gain of another device
Intermediate	A frequency, above baseband frequency, to which a radio frequency is down converted as
frequency	an intermediate step during signal processing
Magnitude	Size
Power detector	A device capable of measuring power
Predetermined	Amount determined beforehand
amount	
Radio frequency	Frequency above intermediate frequency useful for radio transmission
Received signal	A signal that is received by a device
Said received	Signals received by the antenna (* for Claim 19 only)
signals *	
Signal	Information, including interference, that can be transmitted or received within a circuit
Threshold	Level
Variable gain	A unidirectional device that is capable of enlarging the waveform supplied to it, where the
amplifier	enlargement can be changed over a range, either continuously or in incremental steps
Variable gain	A unidirectional device that is capable of enlarging the waveform supplied to it, where the
receive amplifier	gain can be changed over a range, either continuously or in incremental steps, in a
	receiver
Varying	Changing, either by increasing or decreasing

When Just after the moment that

# S.D.Cal.,2004.

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