

United States District Court,  
S.D. California.

**HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P.,**  
Plaintiff.

v.

**GATEWAY, INC.,**  
Defendant.

**Gateway, Inc.,**  
Counterclaim-Plaintiff.

v.

**Hewlett-Packard Development Company L.P. Hewlett-Packard Company and Compaq Information  
Technologies Group, L.P.,**  
Counterclaim-Defendants.

Civil No. 04CV0613-B(LSP)

**Sept. 7, 2005.**

John Allcock, DLA Piper US, San Diego, CA, for Plaintiff/Counterclaim-Defendants.

Darryl J. Adams, Dean M. Munyon, James D. Smith, Wayne Harding, Dewey Ballantine, W. Bryan Farney,  
Dechert LLP, Austin, TX, Jonathan D. Baker, Dechert LLP, Mountain View, CA, for Defendant.

### **CLAIM CONSTRUCTION ORDER FOR UNITED STATES PATENT NUMBER 6,125,031**

**RUDI M. BREWSTER, District Judge.**

Pursuant to *Markman v. Westview Instruments, Inc.*, 517 U.S. 370 (1996), on August 15-18, 2005, the Court conducted a Markman hearing in the above-titled patent infringement action regarding construction of the disputed claim terms for U.S. Patent Number 6,125,031 ("the '031 patent"). Plaintiff Hewlett-Packard Development Company, L.P. ("HP") was represented by the law firm of DLA Piper Rudnick Gray Cary U.S. LLP, and Defendant Gateway, Inc. ("Gateway") was represented by the law firm Dewey Ballantine LLP.

At the Markman hearing, the Court, with the assistance of the parties, analyzed the claim terms in order to prepare jury instructions interpreting the pertinent claims at issue in the '031 patent. Additionally, the Court prepared a case glossary for terms found in the claims and the specification for the '031 patent considered to be technical in nature which a jury of laypersons might not understand clearly without specific definition.

After careful consideration of the parties' arguments and the applicable statutes and case law, the Court **HEREBY CONSTRUES** the claims in dispute in the '031 patent and **ISSUES** the relevant jury instructions as written in Exhibit A, attached hereto. 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 6,125,031-CLAIM CHART**

<b>VERBATIM CLAIM LANGUAGE</b>	<b>COURT'S CLAIM CONSTRUCTION</b>
<b>Claim 1</b>	
Electronic apparatus comprising:	Electronic apparatus comprising:
a housing having a wall opening therein;	<i>a housing [ case or enclosure ]</i> having a wall opening therein;
cooperatively interengageable first and second structures respectively carried by said housing and said access door and being operable to:	cooperatively interengageable first and second <i>structures [ something made up of one or more parts that are held or put together in a particular way ]</i> respectively carried by said housing and <b>said [ an ]</b> access door and being operable to:
(1) pivotally interfit sections of said first and second structures on an axis in a manner mounting said access door on said housing for pivotal movement relative thereto about said axis between a closed position in which said access door covers said wall opening, and an open position in which said access door is swung edgewise through said wall opening into the interior-of said housing and uncovers said wall opening, and	(1) pivotally interfit sections of said first and second structures on an axis in a manner mounting said access door on said housing for pivotal movement relative thereto about said axis between a closed position in which said access door covers said wall opening, and an open position in which said access door is swung edgewise through said wall opening into the interior of said housing and uncovers said wall opening, and
(2) provide between portions of said first and second structures a sliding engagement which, in response to a manual pivoting of said access door through an initial distance-toward either selected one of said closed and open positions, resiliently deflects said portion of said first structure and then causes said portion of said first structure to forcibly pivot said access door through a final distance to, and then releasably retain said access door in, the selected position.	(2) provide between portions of said first and second structures a sliding engagement which, in response to a manual pivoting of said access door through an initial distance toward either selected one of said closed and open positions, <i>resiliently deflects said portion of said first structure [ displaces the portion of the first structure such that the portion of the first structure returns to its normal shape or position when the deflecting force is removed ]</i> and then causes said portion of said first structure to <i>forcibly pivot [ apply a force which causes pivoting of ]</i> said access door through a final distance to, and then releasably retain said access door in, the selected position.
<b>Claim 2</b>	
The electronic apparatus of claim 1 wherein said electronic apparatus is a computer.	The electronic apparatus of claim 1 wherein said electronic apparatus is a computer.
<b>Claim 3</b>	
The electronic apparatus of claim 2 wherein said computer is a tower type CPU unit.	The electronic apparatus of claim 2 wherein said computer is a tower type CPU unit.
<b>Claim 4</b>	
The electronic apparatus of claim 1 wherein: said housing has an exterior bezel portion, and said wall opening is formed in said	The electronic apparatus of claim 1 wherein: said housing has an exterior bezel portion, and said wall opening is formed in said exterior bezel portion.

exterior bezel portion.	
<b>Claim 5</b>	
The electronic apparatus of claim 1 wherein: said first and second structures are respectively formed integrally with said housing and said access door.	The electronic apparatus of claim 1 wherein: said first and second structures are respectively formed integrally with said housing and said access door.
<b>Claim 6</b>	
The electronic apparatus of claim 5 wherein: said wall opening is formed in a molded plastic wall portion of said housing, said first structure is molded integrally with said wall portion, said access door is of a molded plastic material, and said second structure is molded integrally with said access door.	The electronic apparatus of claim 5 wherein: said wall opening is formed in a molded plastic wall portion of said housing, said first structure is molded integrally with said wall portion, said access door is of a molded plastic material, and said second structure is molded integrally with said access door.
<b>Claim 7</b>	
The electronic apparatus of claim 1 wherein: said portions of said first and second structures are offset from the pivotally interfitted sections in a direction transverse to said axis.	The electronic apparatus of claim 1 wherein: said portions of said first and second structures are offset from the pivotally interfitted sections in a direction transverse to said axis.
<b>Claim 8</b>	
The electronic apparatus of claim 1 wherein said axis extends generally horizontally.	The electronic apparatus of claim 1 wherein said axis extends generally horizontally.
<b>Claim 9</b>	
The electronic apparatus of claim 1 wherein: said first and second structures are operable to removably mount said access door on said housing.	The electronic apparatus of claim 1 wherein: said first and second structures are operable to removably mount said access door on said housing.
<b>Claim 11</b>	
A computer system comprising a CPU unit having a microprocessor and a data storage device for storing data that may be retrieved by said microprocessor, said CPU unit further comprising: a housing having a wall opening therein; ... cooperatively interengageable first and second structures respectively carried by said housing and said access door and being operable to: (1) pivotally interfit sections of said first and second structures on an axis in a manner mounting said access door on said housing for pivotal movement relative thereto about said axis between a closed position in which said access door covers said wall opening,	A computer system comprising a CPU unit having a microprocessor and a data storage device for storing data that may be retrieved by said microprocessor, said CPU unit further comprising: housing having a wall opening therein; cooperatively interengageable first and second structures respectively carried by said housing and said access door and being operable to: (1) pivotally interfit sections of said first and second structures on an axis in a manner mounting said access door on said housing for pivotal movement relative thereto about said axis between a closed position in which said access door covers said wall opening, and an open position in which said access door is into the interior of said housing and uncovers said wall

and an open position in which said access door is into the interior of said housing and uncovers said wall opening, and	opening, and
(2) provide between portions of said first and second structures a sliding engagement which, in response to a manual pivoting of said access door through an initial distance toward either selected one of said closed and open positions, resiliently deflects said portion of said first structure and then causes said portion of said first structure to forcibly pivot said access door through a final distance to, and then releasably retain said access door in, the selected position.	(2) provide between portions of said first and second structures a sliding engagement which, in response to a manual pivoting of said access door through an initial distance toward either selected one of said closed and open positions, resiliently deflects said portion of said first structure and then causes said portion of said first structure to forcibly pivot said access door through a final distance to, and then releasably retain said access door in, the selected position.
<b>Claim 12</b>	
The computer system of claim 11 wherein said CPU unit is a tower type CPU unit.	The computer system of claim 11 wherein said CPU unit is a tower type CPU unit.
<b>Claim 13</b>	
The computer system of claim 11 wherein: said housing has an exterior bezel portion, and	The computer system of claim 11 wherein: said housing has an exterior bezel portion, and
said wall opening is formed in said exterior bezel portion.	said wall opening is formed in said exterior bezel portion.
<b>Claim 14</b>	
The computer system of claim 11 wherein: said first and second structures are respectively formed integrally with said housing and said access door.	The computer system of claim 11 wherein: said first and second structures are respectively formed integrally with said housing and said access door.
<b>Claim 15</b>	
The computer system of claim 14 wherein: said wall opening is formed in a molded plastic wall portion of said housing,	The computer system of claim 14 wherein: said wall opening is formed in a molded plastic wall portion of said housing,
said first structure is molded integrally with said wall portion,	said first structure is molded integrally with said wall portion,
said access door is of a molded plastic material, and said second structure is molded integrally with said access door.	said access door is of a molded plastic material, and said second structure is molded integrally with said access door.
<b>Claim 16</b>	
The computer system of claim 11 wherein: said portions of said first and second structures are offset from the pivotally interfitted sections in a direction transverse to said axis.	The computer system of claim 11 wherein: said portions of said first and second structures are offset from the pivotally interfitted sections in a direction transverse to said axis.
<b>Claim 17</b>	
The computer system of claim 11 wherein said axis extends generally horizontally.	The computer system of claim 11 wherein said axis extends generally horizontally.

<b>Claim 18</b>	
The computer system of claim 11 wherein: said first and second structures are operable to removably mount said access door on said housing.	The computer system of claim 11 wherein: said first and second structures are operable to removably mount said access door on said housing.
<b>Claim 20</b>	
Electronic apparatus comprising: a housing having a wall opening therein; an access door; first and second interengaged portions of said housing and said access door extending along an axis and supporting said access door for pivotal motion relative to said housing about said axis between closed and open positions in which said access door respectively covers and uncovers said wall opening; and third and fourth resiliency interengaged portions of said housing and said access door which, in response to a manual movement of said access door through an initial arc toward a selected one of said closed and open positions, function to forcibly move said access door through a final arc to, and then releasably retain said access door in, the selected position, said third and fourth portions being offset from said first and second portions in a direction transverse to said axis.	Electronic apparatus comprising: a housing having a wall opening therein; an access door; first and second interengaged portions of said housing and said access door extending along an axis and supporting said access door for pivotal motion relative to said housing about said axis between closed and open positions in which said access door respectively covers and uncovers said wall opening; and third and fourth resiliency interengaged portions of said housing and said access door which, in response to a manual movement of said access door through an initial <i>arc</i> [ <i>a segment of a circle</i> ] toward a selected one of said closed and open positions, function to <i>forcibly move</i> [ <i>apply a force which causes the movement of</i> ] said access door through a final arc to, and then releasably retain said access door in, the selected position, said third and fourth portions being offset from said first and second portions in a direction transverse to said axis.
<b>Claim 25</b>	
The electronic apparatus of claim 20 wherein: a wall portion of said housing is of a molded plastic construction and said first and third portions of said housing are integrally molded with said wall portion, and said access door is of a molded plastic construction and said second and fourth portions of said access door are integrally molded with the balance of said access door.	The electronic apparatus of claim 20 wherein: a wall portion of said housing is of a molded plastic construction and said first and third portions of said housing are integrally molded with said wall portion, and said access door is of a molded plastic construction and said second and fourth portions of said access door are integrally molded with the balance of said access door.
<b>Claim 26</b>	
The electronic apparatus of claim 20 wherein said electronic apparatus is a computer.	The electronic apparatus of claim 20 wherein said electronic apparatus is a computer.
<b>Claim 27</b>	

The electronic apparatus of claim 20 wherein:	The electronic apparatus of claim 20 wherein:
said access door, when in said open position thereof, is swung edgewise through said wall opening into the interior of said housing .	said access door, when in said open position thereof, is swung edgewise through said wall opening into the interior of said housing.
<b>Claim 28</b>	
A computer system comprising a CPU unit having a microprocessor and a data storage device for storing data that may be retrieved by said microprocessor, said CPU unit further comprising:	A computer system comprising a CPU unit having a microprocessor and a data storage device for storing data that may be retrieved by said microprocessor, said CPU unit further comprising:
a housing having a wall opening therein;	a housing having a wall opening therein;
an access door;	an access door;
first and second interengaged portions of said housing and said access door extending along an axis and supporting said access door for pivotal motion relative to said housing about said axis between closed and open positions in which said access door respectively covers and uncovers said wall opening; and	first and second interengaged portions of said housing and said access door extending along an axis and supporting said access door for pivotal motion relative to said housing about said axis between closed and open positions in which said access door respectively covers and uncovers said wall opening; and
third and fourth resiliency interengaged portions of said housing and said access door which, in response to a manual movement of said access door through an initial arc toward a selected one of said closed and open positions, function to forcibly move said access door through a final arc to, and then releasably retain said access door in, the selected position,	third and fourth resiliency interengaged portions of said housing and said access door which, in response to a manual movement of said access door through an initial arc toward a selected one of said closed and open positions, function to forcibly move said access door through a final arc to, and then releasably retain said access door in, the selected position,
said third and fourth portions being offset from said first and second portions in a direction transverse to said axis.	said third and fourth portions being offset from said first and second portions in a direction transverse to said axis.
<b>Claim 34</b>	
The computer system of claim 28 wherein:	The computer system of claim 28 wherein:
said access door, when in said open position thereof, is swung edgewise through said wall opening into the interior of said housing .	said access door, when in said open position thereof, is swung edgewise through said wall opening into the interior of said housing.

**EXHIBIT B**

**GLOSSARY OF TERMS**

**TERM**

*arc*

**DEFINITION**

a segment of a circle

<i>forcibly move</i>	apply a force which causes the movement of
<i>forcibly pivot</i>	apply a force which causes pivoting of
<i>housing</i>	case or enclosure
<i>resiliency deflects said</i>	displaces the portion of the first structure such that the portion of the first
<i>portion of said first</i>	structure returns to its normal shape or position when the deflecting force is
<i>structure</i>	removed
<i>structure</i>	something made up of one or more parts that are held or put together in a particular way

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