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

VERBATIM CLAIM LANGUAGE	COURT'S CLAIM CONSTRUCTION
Claim 1	
Electronic apparatus comprising:	Electronic apparatus comprising:
a housing having a wall opening therein;	a housing [case or enclosure] having a wall opening therein;
cooperatively interengageable first and second structures respectively carried by said housing and said access door and being	cooperatively interengageable first and second <i>structures</i> [something made up of one or more parts that are held or put together in a particular way] respectively carried by said
operable to:	housing and said [an] access door and being operable to:
(1) pivotally interfit sections of said first and (1) pivotally interfit sections of said first and second structures	
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	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	(2) provide between portions of said first and second structures
(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. <i>Claim 2</i>	(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</i> <i>deflects said portion of said first structure</i> [<i>displaces the</i> <i>portion of the first structure such that the portion of the first</i> <i>structure returns to its normal shape or position when the</i> <i>deflecting force is removed</i>] and then causes said portion of said first structure to <i>forcibly pivot</i> [<i>apply a force which causes</i> <i>pivoting of</i>] said access door through a final distance to, and then releasably retain said access door in, the selected position.
The electronic apparatus of claim 1 wherein	The electronic apparatus of claim 1 wherein said electronic
said electronic apparatus is a computer.	apparatus is a computer.
Claim 3	
The electronic apparatus of claim 2 wherein said computer is a tower type CPU unit. <i>Claim 4</i>	The electronic apparatus of claim 2 wherein said computer is a tower type CPU unit.
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.	
Claim 5	
The electronic apparatus of claim 1 wherein:	The electronic apparatus of claim 1 wherein:
said first and second structures are	said first and second structures are respectively formed
respectively formed integrally with said	integrally with said housing and said access door.
housing and said access door.	
Claim 6	
The electronic apparatus of claim 5 wherein:	The electronic apparatus of claim 5 wherein:
said wall opening is formed in a molded	said wall opening is formed in a molded plastic wall portion of
plastic wall portion of said housing,	said housing,
said first structure is molded integrally with	said first structure is molded integrally with said wall portion,
said wall portion,	
said access door is of a molded plastic	said access door is of a molded plastic material, and said
material, and said second structure is	second structure is molded integrally with said access door.
molded integrally with said access door.	
Claim 7	
The electronic apparatus of claim 1 wherein:	The electronic apparatus of claim 1 wherein:
said portions of said first and second	said portions of said first and second structures are offset from
structures are offset from the pivotally	the pivotally interfitted sections in a direction transverse to said
interfitted sections in a direction transverse	axis.
to said axis.	
Claim 8	
The electronic apparatus of claim 1 wherein	The electronic apparatus of claim 1 wherein said axis extends
said axis extends generally horizontally.	generally horizontally.
Claim 9	
The electronic apparatus of claim 1 wherein:	The electronic apparatus of claim 1 wherein:
said first and second structures are operable said first and second structures are operable to removably	
to removably mount said access door on said	mount said access door on said housing.
housing.	
Claim 11	
A computer system comprising a CPU unit	A computer system comprising a CPU unit having a
having a microprocessor and a data storage	microprocessor and a data storage device for storing data that
device for storing data that may be retrieved	may be retrieved by said microprocessor, said CPU unit further
by said microprocessor, said CPU unit	comprising:
further comprising:	
a housing having a wall opening therein;	housing having a wall opening therein;
cooperatively interengageable first and	cooperatively interengageable first and second structures
second structures respectively carried by	respectively carried by said housing and said access door and
said housing and said access door and being	being operable to:
operable to:	
(1) pivotally interfit sections of said first and	(1) pivotally interfit sections of said first and second structures
second structures on an axis in a manner	on an axis in a manner mounting said access door on said
mounting said access door on said housing	housing for pivotal movement relative thereto about said axis
for pivotal movement relative thereto about	between a closed position in which said access door covers said
said axis between a closed position in which	wall opening, and an open position in which said access door is
said access door covers said wall opening,	into the interior of said housing and uncovers said wall

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

Claim 18	
The computer system of claim 11 wherein:	The computer system of claim 11 wherein:
said first and second structures are operable	said first and second structures are operable to removably
to removably mount said access door on said	mount said access door on said housing.
housing.	
Claim 20	
Electronic apparatus comprising:	Electronic apparatus 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	first and second interengaged portions of said housing and said
said housing and said access door extending	access door extending along an axis and supporting said access
along an axis and supporting said access	door for pivotal motion relative to said housing about said axis
door for pivotal motion relative to said	between closed and open positions in which said access door
housing about said axis between closed and	respectively covers and uncovers said wall opening; and
open positions in which said access door	
respectively covers and uncovers said wall	
opening; and	
third and fourth resiliency interengaged	third and fourth resiliency interengaged portions of said
portions of said housing and said access	housing and said access door which, in response to a manual
door which, in response to a manual	movement of said access door through an initial arc [a
movement of said access door through an	segment of a circle] toward a selected one of said closed and
initial arc toward a selected one of said	open positions, function to forcibly move [apply a force which
closed and open positions, function to	<i>causes the movement of</i>] said access door through a final arc
forcibly move said access door through a	to, and then releasably retain said access door in, the selected
final arc to, and then releasably retain said	position,
access door in, the selected position,	
said third and fourth portions being offset	said third and fourth portions being offset from said first and
from said first and second portions in a	second portions in a direction transverse to said axis.
direction transverse to said axis.	
Claim 25	
The electronic apparatus of claim 20	The electronic apparatus of claim 20 wherein:
wherein:	
a wall portion of said housing is of a	a wall portion of said housing is of a molded plastic
molded plastic construction and said first	construction and said first and third portions of said housing
and third portions of said housing are	are integrally molded with said wall portion, and
integrally molded with said wall portion,	
and	
said access door is of a molded plastic	said access door is of a molded plastic construction and said
construction and said second and fourth	second and fourth portions of said access door are integrally
portions of said access door are integrally	molded with the balance of said access door.
molded with the balance of said access door.	
The electronic apparatus of claim 20	The electronic apparatus of claim 20 wherein said electronic
wherein said electronic apparatus is a	apparatus 1s a computer.
computer.	
Claim 27	

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

EXHIBIT B

GLOSSARY OF TERMS

DEFINITION

a segment of a circle

forcibly move	apply a force which causes the movement of
forcibly pivot	apply a force which causes pivoting of
housing	case or enclosure
resiliency 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
structure	something made up of one or more parts that are held or put together in a particular way

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