

United States District Court,  
S.D. California.

**QUALCOMM INCORPORATED,**  
Plaintiff.

v.

**BROADCOM CORPORATION,**  
Defendants.

**Broadcom Corporation,**  
Counter-Claimant.

v.

**Qualcomm Incorporated,**  
Counter-Defendant.

Civil No. 05CV1662-B(BLM)

**May 2, 2006.**

Barry Jerome Tucker, Heller Ehrman, San Diego, CA, E. Joshua Rosenkranz, Heller Ehrman, New York, NY, Gregg A. Duffey, Peter J. Chassman, Howrey Simon Arnold and White, Houston, TX, Richard S. Taffet, Bingham McCutchen, New York, NY, William K. West, Jr., Howrey LLP, Washington, DC, Aaron Schur, Chad Russell, Rianne E. Nolan, Bingham McCutchen, San Francisco, CA, David E. Kleinfeld, Heller Ehrman, San Diego, CA, for Plaintiff.

Amy R. Schofield, Kirkland & Ellis LLP, San Francisco, CA, Brian C. Smith, Heath A. Brooks, James L. Quarles, III, Jonathan Frankel, Juliana Maria Mirabilio, Nathan Mitchler, Thomas Olson, Wilmer Cutler Pickering Hale and Dorr, Washington, DC, Elizabeth M. Reilly, John J. Regan, Richard W. O'Neill, Wayne L. Stoner, William F. Lee, Wilmer Cutler Pickering Hale and Dorr, Boston, MA, Maria K. Vento, Mark D. Selwyn, Wilmer Cutler Pickering Hale and Dorr, Palo Alto, CA, Robert S. Brewer, Jr., James Sullivan McNeill, McKenna Long and Aldridge, San Diego, CA, for Defendants.

William K West, Jr., Howrey LLP, Washington, DC, Aaron Schur, Chad Russell, Rianne E. Nolan, Bingham McCutchen, San Francisco, CA, David E. Kleinfeld, Heller Ehrman, San Diego, CA, for Counter-Defendant.

**CLAIM CONSTRUCTION ORDER FOR UNITED STATES PATENT NUMBER 5,682,379**

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

Pursuant to *Markman v. Westview Instruments, Inc.*, 517 U.S. 370 (1996), on April 18, 2006, the Court conducted a *Markman* hearing concerning the above-titled patent infringement action regarding construction of the disputed claim terms for U.S. Patent Number 5,682,379 ("the '379 patent"). Plaintiff Qualcomm, Inc. was represented by the law firm of Howry LLP and Heller Ehrman LLP, and Defendant Broadcom Corp.

was represented by the law firm of Wilmer Cutler Pickering Hale and Dorr 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 '379 patent. Additionally, the Court prepared a case glossary for terms found in the claims and specification for the '379 patent considered to be technical in nature which a jury of laypersons might not understand clearly without a specific definition.

After careful consideration of the parties' arguments and the applicable statutes and case law, the Court **HEREBY CONSTRUES** the claims in dispute for the '379 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 FN1***

FN1. All terms appearing in bold face type and underlined have been construed by the court and appear with their definitions in the glossary in Exhibit B. The definition for each construed terra appears in italics after its first use in the patent.

***UNITED STATES PATENT NUMBER 5,682,379-CLAIM CHART***

**VERBATIM CLAIM LANGUAGE**

**COURT'S CONSTRUCTION**

**Claim 2**

**Claim 2**

2. A communication system comprising:	2. A communication system <b><i>comprising</i></b> [ <i>including but not limited to</i> ]:
a main radio network;	a main <b><i>radio network</i></b> [ <i>a group of at least two electronic devices that are capable of communicating with one another without wires</i> ];
a radio subnetwork;	a <b><i>radio subnetwork</i></b> [ <i>a secondary radio network</i> ];
a mobile network device having a first radio transceiver for communicating with the main radio network and a second radio transceiver for communicating with the radio subnetwork;	a mobile network device having a first <b><i>radio transceiver</i></b> [ <i>a component capable of transmitting and receiving radio frequency signals in one unit</i> ] for communicating with the main <b><i>radio network</i></b> and a second <b><i>radio transceiver</i></b> for communicating with the radio <b><i>subnetwork</i></b> ;
the mobile network device participating as a slave device to the main radio network while participating as a master device to the radio subnetwork.	the mobile network device participating as a <b><i>slave</i></b> [ <i>subject to the control of</i> ] device to the main radio network while participating as a <b><i>master</i></b> [ <i>capable of controlling</i> ] device to the <b><i>radio subnetwork</i></b> .

**EXHIBIT B**

***UNITED STATES PATENT NUMBER 5.682379-GLOSSARY OF TERMS***

<b><i>TERM</i></b>	<b><i>DEFINITION</i></b>
<b>comprising</b>	including but not limited to

<b>master</b>	capable of controlling
<b>radio network</b>	a group of at least two electronic devices that are capable of communicating with one another without wires
<b>radio subnetwork</b>	a secondary radio network
<b>radio transceiver</b>	a component capable of transmitting and receiving radio frequency signals in one unit
<b>slave</b>	subject to the control of

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