United States District Court,
C.D. California.

LG. PHILIPS LCD CO., LTD,
v.
CHUNGHWA PICTURE TUBES, LTD.

No. CV 02-6775 CBM (JTLx)

Oct. 19, 2006.

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DOCKET ENTRY ORDER CONSTRUING TERM "ONE" AS FOUND IN CLAIM ONE OF U.S. PATENT NO. 5,825,449

CONSUELO B. MARSHALL**, Judge.**

PROCEEDINGS:

The matter before the Court is the parties' dispute over the proper construction over the term "one" as found in Claim 1 of U.S. Patent No. 5,825,449 (the '449 Patent).

In a bench brief filed with this Court, Defendant requests that the Court construe the language of Claim 1 of the '449 Patent as open-ended, meaning that the term "reads on products that have one or more conductive layers connected to one of a plurality of terminals of a thin film transistor." Def.'s Br. 1. The relevant claim language is:

A wiring structure comprising:

a substrate;

a first conductive layer formed on a first portion of said substrate;

a first insulative layer formed on a second portion of said substrate and on said first conductive layer;

a second conductive layer formed on a first portion of said first insulative layer;

[...]

wherein a first contact hole is provided through said first and second insulative layers ...

and

wherein one of said first and second conductive layers is connected to one of a plurality of terminals of a thin film transistor.

'449 Patent (emphasis added). Defendant seeks to have this Court interpret the last phrase beginning with "wherein one of said first and second conductive layers...." Plaintiff LG.Philips argues that the phrase "one of" should be construed as "one, but not both, of the first and second conductive layers." Pl.'s Mem. 1.

Claim construction is a matter of law, and it is the duty of this Court to construe disputed claim terms and instruct the jury as to its meaning. *See* Markman v. Westview Instruments, Inc., 517 U.S. 370, 116 S.Ct. 1384, 134 L.Ed.2d 577(1996).

The Federal Circuit has held that a court construing a claim must give effect to the intent of the patent applicant. *See* Lemelson v. General Mills, Inc., 968 F.2d 1202, 1206 (Fed.Cir.1992). ("The prosecution history gives insight into what the applicant originally claimed as the invention, and often what the applicant gave up in order to meet the Examiner's objections."); *see also* Standard Oil Co. v. American Cyanamid Co., 774 F.2d 448, 452 (Fed.Cir.1985) ("The prosecution history (or file wrapper) limits the interpretation of claims so as to exclude any interpretation that may have been disclaimed or disavowed during prosecution in order to obtain claim allowance."). In the instant case, patentee LG Electronics specifically disavowed an interpretation of the claim that provided for either, or both-in other words, "one or more"-of the conductive layers being connected to a terminal of a thin film transistor; in December 1997, in order to obviate an obviousness rejection, LGE patent applicant Woo Sup Shin specifically amended the claim to articulate the "one of said first and second layers" limitation. The Court, therefore, finds that the term "one" in Claim 1 means "a single layer."

Accordingly, the Court adopts Plaintiff LG.Philips' interpretation of the relevant language in Claim 1 of the '449 Patent:

The phrase " one of" in the " wherein one of said first and second conductive layers" limitation means one, but not both, of the first and second conductive layers."

IT IS SO ORDERED.

C.D.Cal.,2006.
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