United States District Court, S.D. California.

QUALCOMM INCORPORATED,

Plaintiff.

v.

MAXIM INTEGRATED PRODUCTS, INC,

Defendant.

No. 02CV2429-B(JFS)

Dec. 2, 2004.

Daniel J. Krueger, Conley Rose, Houston, TX, James R. Batchelder, Day Casebeer Madrid and Batchelder, Cupertino, CA, for Plaintiff.

Barbara A. Bailey, Chad S. Campbell, Charles A. Blanchard, Jerod E. Tufte, Michael F. Bailey, Perkins Coie Brown and Bain, Phoenix, AZ, Mark C. Mazzarella, Mazzarella Caldarelli, San Diego, CA, for Defendant.

ORDER CONSTRUING CLAIMS FOR UNITED STATES PATENT NUMBER 5,452,473

RUDI M. BREWSTER, Senior District Judge.

Plaintiff, Qualcomm, Inc. has brought suit against Defendant, Maxim Integrated Products, Inc., for infringement of United States Patent number 5,452,473 (the "'473 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 '473 Patent are claims 3 and 4.

The Court, with the assistance of the parties, interpreted the pertinent terms for all claim terms at issue in the '473 Patent, Additionally, a "Glossary" was prepared for terms found in the '473 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 '473 Patent, attached as Exhibit A. Further, the Court **HEREBY DEFINES** all pertinent technical terms as written in Exhibit B, attached hereto.

EXHIBIT A-UNITED STATES PATENT NUMBER 5,452,473-CLAIM CHART

VERBATIM CLAIM	COURT'S CLAIM CONSTRUCTION
LANGUAGE	
Claim 3	Claim 3
A radio performing transmit	A radio [transmitter, receiver, or transceiver used for communication
power calibration, the radio	via electromagnetic waves] performing transmit power calibration, the
transmitting and receiving signals	radio transmitting and receiving signals having a plurality of frequencies,
having a plurality of frequencies,	each frequency having a frequency index, the radio transmitting signals
each frequency having a	through a variable gain, transmit amplifier [amplifier whose gain can
frequency index, the radio	be changed in a transmitter] having a control input and receiving
transmitting signals through a	signals through a variable gain, receive amplifier [amplifier whose gain
variable gain, transmit amplifier	can be changed in a receiver] having a control input, the radio
having a control input and	comprising:
receiving signals through a	
variable gain, receive amplifier	
having a control input, the radio	
comprising:	
a power detector, coupled to the	a power detector [a device capable of measuring power], coupled to
receive amplifier, for generating a	[associated in such a way that power or signal information may be
first power value from a received	transferred from one to another] the receive amplifier, for generating a
signal having a first frequency;	first power value from a received signal having a first frequency;
an integrator, coupled to the	an integrator [a device which generates a sum (over time) of an
power detector, for generating an	input], coupled to the power detector, for generating an automatic gain
automatic gain control setpoint	control setpoint [the setpoint generated by a control circuit that is
from the first power value;	used for automatically changing the gain of a receiver or transmitter]
	trom the first power value;
a receive linearizer, coupled to	a receive linearizer [a device that supplies correction values used for
the integrator and the receive	making outputs approximately linear functions of inputs, coupled to
amplifier, for generating a receive	the integrator and the receive amplifier, for generating a receive
calibration value in response to	calibration value in response to the automatic gain control setpoint [the
the automatic gain control	setpoint generated by a control circuit that is used for automatically
setpoint and a first frequency	changing the gain of a receiver or transmitter] and a first frequency
index corresponding to the first	index [a value specifying the center frequencies on which receiver or
irequency, the receive calibration	transmitter is operating at a given moment corresponding to the first
value being coupled to the receive	acting being coupled to the receive emplifier control input for edjusting
adjusting the gain of the receive	the gain of the receive amplifier
aujusting the gain of the receive	the gain of the receive amplitier,
ampriner,	essand newer detector, sounled to the transmit emplifier, for generating a
second power delector, coupled to the transmit amplifier for	second power value from a transmitted signal is signal that is
an unishing a second newer velve	become power value from a transmitted signal [a signal that is
from a transmitted signal baying a	ansinued by a device i naving a second nequency; and
second frequency: and	
second frequency; and	

a transmit linearizer for	a transmit linearizer for generating a transmit calibration value [a
generating a transmit calibration	corrected gain control setting] in response to the automatic gain
value in response to the automatic	control setpoint [the setpoint generated by a control circuit that is
gain control setpoint, the second	used for automatically changing the gain of a receiver or
power value, and a frequency	transmitter], the second power value, and a frequency index [a value
index corresponding to the second	specifying the center frequencies on which receiver or transmitter is
frequency, the transmit calibration	operating at a given moment] <i>corresponding</i> to the second <i>frequency</i> ,
value being coupled to the control	the transmit calibration value being coupled to the control input of the
input of the transmit amplifier for	transmit amplifier for adjusting the gain of the transmit amplifier.
adjusting the gain of the transmit	
amplifier.	
Claim 4	Claim 4
A radio performing transmit	A radio [transmitter, receiver, or transceiver used for communication
power calibration, the radio	via electromagnetic waves] performing transmit power calibration, the
transmitting and receiving signals	radio transmitting and receiving signals having a plurality of frequencies,
having a plurality of frequencies,	each frequency having a frequency index, the radio transmitting a signal,
each frequency having a	having a first frequency, through a variable gain transmit amplifier [a
frequency index, the radio	unidirectional device that is capable of enlarging the waveform
transmitting a signal, having a	supplied to it, where the enlargement can be changed over a range,
first frequency, through a variable	either continuously or in incremental steps in a transmitter] having a
gain transmit amplifier having a	control input and receiving a signal, having a second frequency, through a
control input and receiving a	variable gain receive amplifier [a unidirectional device that is capable
signal, having a second	of enlarging the waveform supplied to it, where the enlargement can
frequency, through a variable gair	be changed over a range, either continuously or in incremental steps
receive amplifier having a control	in a receiver] having a control input, the radio comprising:
input, the radio comprising:	
a first analog to digital converter,	a first analog to digital converter [a device that converts an analog
coupled to the receive amplifier,	signal into a digital signal, coupled to the receive amplifier, for
for generating a digital signal	generating a digital signal from the received signal;
from the received signal;	
a power detector, coupled to the	a power detector, coupled to the first analog to digital converter, for
first analog to digital converter.	generating a power value from the digital signal:
for generating a power value from	
the digital signal;	
an integrator, coupled to the	an integrator, coupled to the power detector, for generating an automatic
power detector, for generating an	gain control setpoint from the power value;
automatic gain control setpoint	
from the power value;	
a receive linearizer, coupled to	a receive linearizer, coupled to the integrator, for generating a receive
the integrator, for generating a	calibration value in response to the automatic gain control set point and a
receive calibration value in	first frequency index corresponding to the second frequency;
response to the automatic gain	
control set point and a first	
frequency index corresponding to	
the second frequency;	
a first digital to analog converter.	a first digital to analog converter [a device that converts a digital
coupled to the receive linearizer,	signal to an analog signal], coupled to the receive linearizer, for

for generating an analog, receive calibration value from the receive calibration value, the analog calibration value coupled to the receive amplifier control input for varying the gain of the receive amplifier;	generating an analog, receive calibration value from the receive calibration value, the analog calibration value coupled to the receive amplifier control input for varying the gain of the receive amplifier;
a second power detector, coupled	a second power detector, coupled to the transmit amplifier, for generating
to the transmit amplifier, for	an analog power value from the transmitted signal;
generating an analog power value	
trom the transmitted signal;	
a second analog to digital	a second analog to digital converter, coupled to the second power
converter, coupled to the second	detector, for generating a digital power value from the analog power
digital power value from the	value;
analog power value:	
a transmit linearizar, sounled to	a transmit linearizer equaled to the integrator for concreting a transmit
the integrator for generating a	calibration value in response to the automatic gain control setpoint, the
transmit calibration value in	digital power value, and a second frequency index corresponding to the
response to the automatic gain	first frequency: and
control setpoint the digital power	inst nequency, and
value, and a second frequency	
index corresponding to the first	
frequency; and	
a second digital to analog converter, coupled to the second control input, for generating an analog, transmit calibration value from the transmit calibration value, the analog, transmit calibration value adjusting the gain of the	a second digital to analog converter, coupled to the second control input, for generating an analog, transmit calibration value from the transmit calibration value, the analog, transmit calibration value adjusting the gain of the transmit amplifier.
transmit amplifier.	

EXHIBIT B-GLOSSARY RE: UNITED STATES PATENT NUMBER 5,732,473

TERM	DEFINITION
Analog to digital	A device that converts an analog signal into a digital signal
converter	
Automatic gain	The setpoint generated by a control circuit that is used for automatically changing the gain
control setpoint	of a receiver or transmitter
Calibration value	A corrected gain control setting
Coupled to	Associated in such a way that power or signal information may be transferred from one to
	another
Digital to analog	A device that converts a digital signal to an analog signal
converter	
Frequency index	A value specifying the center frequencies on which receiver or transmitter is operating at a

	given moment
Integrator	A device which generates a sum (over time) of an input
Linearizer	A device that supplies correction values used for making outputs approximately linear
	functions of inputs
Power detector	A device capable of measuring power
Radio	A transmitter, receiver, or transceiver used for communication via electromagnetic waves
Receive amplifier	Amplifier whose gain can be changed in a receiver
Transmit	Amplifier whose gain can be changed in a transmitter
amplifier	
Transmitted	A signal that is transmitted by a device
signal	
Variable gain	A unidirectional device that is capable of enlarging the waveform supplied to it, where the
receive amplifier	enlargment can be changed over a range, either continuously or in incremental steps in a
	receiver
Variable gain	A unidirectional device that is capable of enlarging the waveform supplied to it, where the
transmit	enlargment can be changed over a range, either continuously or in incremental steps in a
amplifier	transmitter

S.D.Cal.,2004.

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