

United States District Court,  
E.D. Texas, Marshall Division.

**O2 MICRO INTERNATIONAL LTD,**  
v.  
**BEYOND INNOVATION TECHNOLOGY.**

Civil Action No. 2:04-CV-32

**Aug. 26, 2005.**

Henry Charles Bunsow, Duane H. Mathiowetz, Howrey Simon Arnold & White, Korula T. Cherian, Robert M. Harkins, Jr., Howrey LLP, San Francisco, CA, Otis W. Carroll, Jr., Ireland Carroll & Kelley, Tyler, TX, Chia-Lin Charlie Chang, Attorney at Law, Santa Clara, CA, Daymon Jeffrey Rambin, Elizabeth L. Derieux, Sidney Calvin Capshaw, III, Capshaw Derieux, LLP, Longview, TX, Frank P. Cote, Howrey LLP, Irvine, CA, Franklin Jones, Jr., Jones & Jones, Marshall, TX, Henry C. Su, Richard Lin, Howrey LLP, East Palo Alto, CA, for O2 Micro International Ltd.

Donald R. McPhail, Duane Morris LLP, Washington, DC, Franklin E. Gibbs, Wang Hartmann Gibbs & Cauley PC, Jason B. Witten, Wang & Patel, Newport Beach, CA, J. Thad Heartfield, The Heartfield Law Firm, Beaumont, TX, Jennifer L. Ishimoto, John David Van Loben Sels, Richard F. Cauley, Wang Hartmann Gibbs & Cauley, Mountain View, CA, Travis Charles Barton, McGinnis Lochridge & Kilgore, Austin, TX, Dustin M. Mauck, Fulbright & Jaworski, Gregory W. Carr, Jeffrey J. Morgan, Theodore F. Shiells, Marcus Benavides, Theodore F. Shiells, Carr LLP, Dallas, TX, Hsikun Tsai, Hsikun Tsai Attorney at Law, New York, NY, Jon Edwin Hokanson, Lewis Brisbois Bisgaard & Smith, Ako Shimada Williams, Glenn W. Trost, Coudert Brothers LLP, Los Angeles, CA, Mao-Sen Yieh, Law Offices of Mao-Sen Yieh, Kristin Kittrell Tassin, Dry & Tassin, Houston, TX, Michael G. Carroll, Attorney at Law, Tyler, TX, for Beyond Innovation Technology et al.

***ORDER***

**T. JOHN WARD, District Judge.**

1. The court issues this order to construe the disputed claim terms in this patent infringement case.
2. Familiarity with the governing law from the Federal Circuit is assumed. Familiarity with the three patents-in-suit is also assumed. The court incorporates by reference its prior claim constructions of the '615 and the '722 patents.
3. The court construes the terms "PWM signal," as used in the '722 patent, as "a pulse width modulation electrical signal."
4. The court construes the term "50% duty cycle" to mean that "the signal is 'on' for approximately 50% of

the time and 'off' for approximately 50% of the time at a regular and steady pace."

5. The court construes the term "plurality of switches" to mean "two or more devices that make, break or change a connection in an electrical circuit."

6. The court construes the term "coupled" to mean "electrically connected, directly or indirectly."

7. The term "only if" needs no construction aside from the construction previously adopted by the court for the phrases in which the term appears. It is true, as defendants argue, that *Elekta Instruments, S.A. v. O. U.R. Scientific International, Inc.*, 214 F.3d 1302 (Fed.Cir.2000), applies the ordinary meaning of "only" (being solely; exclusively) to a claim term and evaluates the evidence in that light. Nothing in *Elekta Instruments*, however, requires the court to construe claim terms that have a well-understood meaning. "Only if" has a well-understood definition, capable of application by both the jury and this court in considering the evidence submitted in support of an infringement or invalidity case.

8. "Voltage line" needs no construction. The court declines, however, to limit the term to a wire, given the disclosure of the patent. The court further declines to construe the phrase in which this term appears to require a connection to the voltage "source."

9. "Selectively coupling" needs no construction, except to the extent the court has construed "coupled." The court rejects, however, the argument that the term "selectively" is limited to "alternatingly."

10. The court is not persuaded that any additional terms raised by the parties require construction.

E.D.Tex.,2005.

O2 Micro Intern. Ltd. v. Beyond Innovation Technology

Produced by Sans Paper, LLC.