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)

Oct. 5, 2005.

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CLAIM CONSTRUCTION ORDER FOR UNITED STATES PATENT NUMBER 4,574,279

RUDI M. BREWSTER, District Judge.

Pursuant to Markman v. Westview Instruments, Inc., 517 U.S. 370, 116 S.Ct. 1384, 134 L.Ed.2d 577 (1996), on August 23-25, 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 4,574,279 ("the '279 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 '279 patent. Additionally, the Court prepared a case glossary for terms found in the claims and the specification for the '279 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 '279 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 4,574,279-CLAIM CHART

VERBATIM CLAIM	COURT'S CONSTRUCTION
LANGUAGE	
Claim I	
A video display system	A video display system responsive to <i>mode select signals</i> [<i>signals that specify</i>
responsive to mode select	different screen formats] for displaying alphanumeric characters or graphic data
signals for displaying	in a display field [the portion of a video CRT screen that displays alphanumeric
alphanumeric characters or	characters or graphics] of a video CRT screen having a height adjustment, the
graphic data in a display	CRT operating from horizontal and vertical scan frequencies, the height of the
field of a video CRT	display field determined by the screen format [the resolution of the display
screen having a height	field that is measured in scan lines and pixels per scan line] selected where the
adjustment, the CRT	selected screen format includes a number of horizontal scan lines [the number
operating from horizontal	of horizontal lines of pixels in the display field], the system including a means
and vertical scan	responsive, respectively, to first and second <i>mode select signals</i> for selecting a
frequencies, the height of	first screen format having a first number of horizontal scan lines and a second
the display field	screen format having a second number of horizontal scan lines, where the
determined by the screen	height and width of the display field for both said first and second screen
format selected where the	formats is the same [identical], and where the first and second screen formats
selected screen format	are generated, respectively, from first and second horizontal scan frequencies,
includes a number of	said means adapted to generate said alphanumeric characters in either of said
horizontal scan lines, the	selected screen formats where said displayed characters are substantially
system including a means	identical in both said formats. Means-plus-function claim: "means
responsive, respectively, to	responsive, respectively, to first and second mode select signals for selecting
first and second mode	a first screen format having a first number of horizontal scan lines and a
select signals for selecting	second screen format having a second number of horizontal scan lines,
a first screen format having	where the height and width of the display field for both said first and
a first number of horizontal	second screen formats is the same" The function of this limitation is: selecting
scan lines and a second	a first screen format having a first number of horizontal scan lines and a second
screen format having a	screen format having a second number of horizontal scan lines, and the height
second number of	and width of the display field for both screen formats is the same. The structure
horizontal scan lines,	disclosed to perform this function is: video controller 10 having a 9-dot mode
where the height and width	decode circuit 34; a mode line; and a CRT control board 18 having height
of the display field for both	adjustment circuitry, as depicted in figs. $1, 2(a)-(c), 4(a)-(h)$ and described at
said first and second screen	col 4, ll. 64-68; col. 9, ll. 24-47; col. 5, ll. 13-27; and cols. 11, l. 45-col. 12, l. 2.
formats is the same, and	Means-plus-function claim: "said means adapted to generate said
where the first and second	alphanumeric characters in either of said selected screen formats" The
screen formats are	function of this limitation is: to adapt the prior means to generate alphanumeric
generated, respectively,	characters of the selected screen formats. The structure disclosed to perform this
trom first and second	tunction is: Character Generator ROM 68 and image memory 50, as depicted in
horizontal scan frequencies	figs. 1, 2(a)-(c) and described at col. 5, ll. 3-12; col. 10, ll. 35-59; col. 11, ll. 13-

said means adapted to	<i>39; and col. 12, ll. 3-38.</i>			
generate said alphanume	pric			
characters in either of sa	id			
selected screen formats				
where said displayed				
characters are substantia	llv			
identical in both said	-5			
formats.				
Claim 2				
The display system of	The display system of claim 1 wherein said means includes a means responsive to a			
claim 1 wherein said	third mode select signal [a mode select signal in addition to the two mode select			
means includes a means	signals in claim 1 when in said first screen format to double the number of			
responsive to a third	horizontal scan lines in the <i>display field</i> without increasing the height of the <i>display</i>			
mode select signal	<i>field</i> by interleaving the horizontal-scan lines and keeping the horizontal scan			
when in said first screen	frequency the same. Means-plus-function claim: "means responsive to a third			
format to double the	mode select signal when in said first screen format to double the number of			
number of horizontal	horizontal scan lines in the display field without increasing the height of the			
scan lines in the	display field. " The function of this limitation is: <i>doubling the number of horizontal</i>			
display field without	scan lines in the display field by interleaving the horizontal scan lines without			
increasing the height of	increasing the height of the display field. The structure disclosed to perform this			
the display field by	function is: RGB/composite color generator/driver 90 contained in video controller			
interleaving the	10 as depicted in figs 1 $2(c)$ $5(a)_{-}(d)$ and described at col 2 11 $21_{-}25 \cdot col = 8$ 11			
horizontal_scan lines	$52_{-}56 \cdot col = 12 1 18_{-}25 \cdot col = 12 1 47_{-}col = 13 1 10 \cdot and Table 2$			
and keeping the	52-50, col. 12, ll. 10-25, col. 12, l. 47-col 15, l. 10, and 1able 2.			
horizontal scan				
frequency the same				
Claim 3				
The video system of clar	m 1 wherein each The video system of claim 1 wherein each horizontal			
horizontal scan line in th	the display field for a scan line in the display field for a selected screan			
selected screen format h	as a width which includes a format has a width which includes a number of nivel			
number of pixel dots sa	d selecting means including dots said selecting means including a dot clock			
a dot clock generator res	ponsive respectively to generator responsive respectively to the first and			
the first and second more	e select signals for second <i>mode select signals</i> for generating first and			
generating first and second mot	and dot clocks for second dot clocks for respectively outputting a first			
respectively outputting a first number of pixel data number of pixel data per horizontal seen line in the first				
number of pixer dots indinder of pixer dots indinder of pixer dots per horizontal scan line in the first screen format				
and a second numbers of	f nixel dots per horizontal horizontal scan line in the second screen format where			
and a second numbers of pixel dots per nonzontal monzontal scan line in the second screen format where the				
width of the horizontal s	can lines for both said first and second screen formats is the same [identical]			
and second screen formats is the same				
Claim 6				
The video system of cla	m 1 The video system of claim 1 wherein said means for selecting the screen			
wherein said means for	formats includes:			
selecting the screen form	nats			
includes:				
(a) a means for generating	a (a) a means for generating a first vertical scan frequency for the first <i>screen</i>			

first vertical scan frequency format and a second vertical scan frequency for the second screen format:

for the first screen format and	and Means-plus-function claim: "means for generating" The function of
a second vertical scan	this limitation is: generating a first vertical scan frequency for the first screen
frequency for the second	format and a second vertical scan frequency for the second screenformat. The
screen format: and	structure disclosed to perform this function is: <i>timing generator 56 contained</i>
,,	in video controller 10 as depicted in fig. 2(c) and described at col. 4. ll. 64-
	68: and col. 11. l. 45-col. 12. l. 2.
(b) a means for automatically	(b) a means for automatically adjusting the height control for the CRT screen
adjusting the height control	in response to the mode control signals, said vertical scan frequency
for the CRT screen in	generating means and said height adjustment means cooperating to control the
response to the mode control	beight of the <i>display field</i> to be the <i>same</i> for each selected <i>screen format</i>
signals said vertical scan	Means-nlus-function claim: "means for automatically adjusting" The
frequency generating means	function of this limitation is: <i>automatically adjusting the height control for the</i>
and said height adjustment	CRT screen in response to the mode control signals. The structure disclosed to
means cooperating to control	perform this function is: CRT control hoard 18 having a height adjustment
the height of the display field	circuit 24 and switch circuit 22 counled to a mode line as depicted in fig. 1
to be the same for each	and described at col 0 11 24 47; and col 5 11 13 27
solooted serven format	una describea di coi. 9, il. 24-47, dha coi. 5, il. 15-27.
Claim 12	
A widee diaplex system	video display avetam including a magne for avaitabing from a first general
A video display system A	video display system including a means for switching from a first screen
including a means for J	rmai defining a aispiay field having a height and a width in a CRT video
switching from a first di	splay unit of a first number of norizontal scan lines developed with a first
screen format defining a ho	prizontal scan frequency to a second screen format having a second number of
display field having a ho	brizontal scan lines developed with a different horizontal scan frequency such
height and a width in a th	at the <i>display field</i> remains the <i>same</i> size in both height and width, said
CRT video display unit of adi	splay system further including an image generation means for generating a
first number of horizontal pl	urality of <i>indicia</i> [<i>alphanumeric characters</i>] in either of said screen formats,
scan lines developed with a at	least some of said <i>indicia</i> being substantially <i>congruent</i> [<i>identical</i>] in both
first horizontal scan sa	and screen formats. Means-plus-function claim: "means for switching" The
trequency to a second fu	inction of this limitation is: switching from a first screen format of a first
screen format having a <i>ni</i>	umber of horizontal scan lines developed with a first horizontal scan frequency
second number of to	a second screen format having a second number of horizontal scan lines
horizontal scan lines de	eveloped with a different horizontal scan frequency such that the display field
developed with a different <i>re</i>	mains the same size in both height and width. The structure disclosed to
horizontal scan frequency pe	erform this function is: video controller 10 having a 9-dot mode decode circuit
such that the display field 34	and timing generator 56; a mode line; and a CRT control board 18 having
remains the same size in <i>he</i>	eight adjustment circuitry 24, video sync circuits 20, video drive circuits 26,
both height and width, said ar	<i>id a switch</i> . Means-plus-function claim: "image generation means" The
display system further fu	nction of this limitation is: generating a plurality of indicia in either of said
including an image sc	reen formats. The structure disclosed to perform this function is: Character
generation means for G	enerator ROM 68 and image memory 50, as depicted in Figs. 1, 2(a)-(c) and
generating a plurality of <i>de</i>	escribed at col. 5, ll. 3-12; col. 10, ll. 35-59; col. 11, ll. 13-39; and col. 12, ll.
indicia in either of said 3 -	38.
screen formats, at least	
some of said indicia being	
substantially congruent in	
both said screen formats.	

Claim 13

A personal computer having a CRT video display unit, said computer including a means responsive to first and second mode select signals for switching from a first screen format which defines a display field in the CRT of a first number of horizontal scan lines to a second screen format having the same size display field in both height and width formed from a second number of horizontal scan lines where said first and second screen formats are generated, respectively, from first and second horizontal scan frequencies, said means adapted to generate a plurality of indicia in either of said screen formats, at least some of said indicia in said first format similarly shaped to said indicia in said second format.

A personal computer having a CRT video display unit, said computer including a means responsive to first and second mode select signals for switching from a first screen format which defines a display field in the CRT of a first number of horizontal scan lines to a second screen format having the same size display field in both height and width formed from a second number of horizontal scan lines where said first and second screen *formats* are generated, respectively, from first and second horizontal scan frequencies, said means adapted to generate a plurality of *indicia* in either of said *screen formats*, at least some of said *indicia* in said first format similarly [closely resembling each other] shaped to said indicia in said second format. Means-plus-function claim: "means for switching" The function of this limitation is: switching from a first screen format of a first number of horizontal scan lines to a second screen format having the same size display field in both height and width. The structure disclosed to perform this function is: video controller 10 having a 9-dot mode decode circuit 34 and timing generator 56; a mode line; and a CRT control board 18 having height adjustment circuitry 24, video sync circuits 20, video drive circuits 26, and a switch. Means-plus-function claim: "said means adapted to generate a plurality of indicia" The function of this limitation is: generation of a plurality of indicia in either of said screen formats. The structure disclosed to perform this function is: Character Generator ROM 68 and image memory 50, as depicted in figs. 1, 2(a)-(c) and described at col. 5, ll. 3-12; col. 10, ll. 35-59; col. 11, ll. 13-39; and col. 12, ll. 3-38.

EXHIBIT B

GLOSSARY OF TERMS

TERM	DEFINITION		
congruent	Identical		
display field	The portion of a video CRT screen that displays alphanumeric characters or graphics		
indicia	Alphanumeric characters		
mode select s	signals	Signals that specify different screen formats	
a number of	horizontal	The number of horizontal lines of pixels in the display field	
scan lines			
same		Identical	
screen forma	at	The resolution of the display field that is measured in scan lines and pixels per scan line	
similarly		Closely resembling each other	
third mode s	elect signal	A mode select signal in addition to the two mode select signals in claim 1	

S.D.Cal.,2005. Hewlett-Packard Development Co., L.P. v. Gateway, Inc.

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