

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.

John Allcock, DLA Piper US, San Diego, CA, for Plaintiff/Counterclaim-Defendants.

Darryl J. Adams, Dean M. Munyon, James D. Smith, Wayne Harding, Dewey Ballantine, W. Bryan Farney, Dechert LLP, Austin, TX, Jonathan D. Baker, Dechert LLP, Mountain View, CA, for Defendant.

CLAIM CONSTRUCTION ORDER FOR UNITED STATES PATENT NUMBER 4,942,606

RUDI M. BREWSTER, District Judge.

Pursuant to *Markman v. Westview Instruments, Inc.*, 517 U.S. 370 (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 4,942,606 ("the '606 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 '606 patent. Additionally, the Court prepared a case glossary for terms found in the claims and the specification for the '606 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 '606 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 4,942,606-CLAIM CHART

VERBATIM CLAIM LANGUAGE	COURT'S CONSTRUCTION
Claim 14	
A computer system comprising:	A computer system comprising:
(a) a CPU accessing memory via a system bus, and executing instructions fetched from said memory to perform operations on data stored in and recalled from said memory;	(a) a CPU accessing memory via a system bus, and executing instructions fetched from said memory to perform operations on data stored in and recalled from said memory;
(b) a peripheral controller device coupled, to said system bus and accessed by said CPU, the peripheral controller transferring data and commands to and from said CPU according to a control sequence;	(b) a peripheral controller device [<i>an electronic device that interfaces between the CPU of a computer and one or more peripheral devices such as a keyboard or mouse</i>] coupled to said system bus and accessed by said CPU, the peripheral controller transferring data and commands to and from said CPU according to a control sequence [<i>the instructions that the peripheral controller executes</i>];
(c) at least one peripheral device coupled to said peripheral controller, said peripheral device generating data and commands for transferring to said CPU via said peripheral controller;	(c) at least one peripheral device [<i>a hardware device connected to a computer, such as a keyboard or mouse</i>] coupled to said peripheral controller , said peripheral device generating data and commands for transferring to said CPU via said peripheral controller;
(d) said control sequence including a lockout mode preventing said peripheral controller from transferring said data and commands from said peripheral device to said CPU but allowing said CPU to transfer selected commands from the CPU to the peripheral device.	(d) said control sequence including a lock-out mode preventing said peripheral controller from transferring said data and commands from said peripheral device to said CPU but allowing said CPU to transfer selected commands [<i>commands that satisfy certain criteria</i>] from the CPU to the peripheral device [<i>the peripheral controller blocks the transfer of certain data and commands from the peripheral device to the CPU and restricts the transfer of selected commands from the CPU to the peripheral device</i>].
Claim 15	
A system according to claim 14 wherein said peripheral controller is a microprocessor executing instructions stored in local memory for said controller.	A system according to claim 14 wherein said peripheral controller is a microprocessor executing instructions stored in local memory for said controller.
Claim 16	
A system according to claim 15 wherein said at least one peripheral device includes a keyboard.	A system according to claim 15 wherein said at least one peripheral device includes a keyboard.

Claim 17	
A system according to claim 16 wherein said selected commands include a status inquiry command. A system according to claim 16 wherein said <i>selected commands</i> include a status inquiry command.	
Claim 18	
A system according to claim 14 wherein said at least one peripheral device includes a keyboard device and a hand-operated "mouse" input device.	A system according to claim 14 wherein said at least one <i>peripheral device</i> includes a keyboard device and a hand-operated "mouse" input device.

EXHIBIT B

GLOSSARY OF TERMS

<i>TERM</i>	<i>DEFINITION</i>
control sequence	The instruction that the peripheral controller executes
peripheral controller device	An electronic device that interfaces between the CPU of a computer and one or more peripheral devices such as a keyboard or mouse
peripheral device	A hardware device connected to a computer, such as a keyboard or mouse
selected commands	Commands that satisfy certain criteria

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