United States District Court,
S.D. California.

QUALCOMM INCORPORATED,
Plaintiff.
v.
BROADCOM CORPORATION,
Defendants.
Broadcom Corporation,
Counter-Claimant.
v.
Qualcomm Incorporated,
Counter-Defendant.

Civil No. 05CV1392-B(BLM)

Aug. 7, 2006.

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CLAIM CONSTRUCTION ORDER FOR UNITED STATES PATENT NUMBER 5,257,283

RUDI M. BREWSTER, Senior District Judge.

Pursuant to Markman v. Westview Instruments, Inc., 517 U.S. 370, 116 S.Ct. 1384, 134 L.Ed.2d 577 (1996), on April 4-6 and May 30-June 1, 2006, the Court conducted a Markman hearing concerning the above-titled patent infringement action regarding construction of the disputed claim terms for U.S. Patent Number 5,257,283 ("the '283 patent"). Plaintiff Qualcomm, Inc. was represented by the law firm of Day Casebeer Madrid & Batchelder LLP, and Defendant Broadcom Corp. was represented by the law firm of Wilmer Cutler Pickering Hale and Dorr 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 '283 patent. Additionally, the Court prepared a case glossary for terms found in the claims and specification for the '283 patent considered to be technical in nature which a jury of laypersons might not understand clearly without a specific definition.

After careful consideration of the parties' arguments and the applicable statutes and case law, the Court **HEREBY CONSTRUES** the claims in dispute for the '283 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 FN1

UNITED STATES PATENT NUMBER 5,257,283-CLAIM CHART

VERBATIM CLAIM LANGUAGE	COURT'S CONSTRUCTION
Claim 1	**Claim 1**
1. A method for controlling transmission power of a first transceiver in communicating information signals of a first user using spread spectrum communication signals within a first frequency band to a second transceiver, and said first transceiver is further for extracting information signals of a second user communicated to said first transceiver by said second transceiver also using spread spectrum communication signals in a second frequency band, said method comprising the steps of:	1. A method for controlling transmission power of a first *transceiver* [*a device capable of transmitting and receiving signals*] in communicating information signals of a first user using *spread spectrum communication signals* [*signals transmitted over a range of frequencies greater than that of the underlying information signals in a CDMA system*] within a first frequency band to a second *transceiver.* and said first *transceiver* is further for extracting information signals of a second-user communicated to said first *transceiver* by said second *transceiver* also using *spread spectrum communication signals* in a second frequency band, said method *comprising* [*including but not limited to*] the steps of:
determining combined signal power of all signals received by said first transceiver within said second frequency band;	determining combined signal power of all signals received by said first *transceiver* within said second frequency band;
controlling signal power of said first transceiver transmitted spread spectrum	controlling signal power of said first *transceiver* transmitted *spread spectrum communication signals* in *inverse proportion*

communication signals in inverse proportion to variations in said determined combined signal power; and	[*a relationship between two variables in which as a first variable goes up, a second variable goes down proportionately. Or as the first variable goes down, the second variable goes up proportionately*.] to variations in said determined combined signal power; and
controlling signal power of said first transceiver transmitted spread spectrum communication signals in inverse proportion to variations in signal power of first transceiver transmitted spread spectrum communication signals as received by said second transceiver.	controlling signal power of said first **transceiver** transmitted **spread spectrum communication signals** in **inverse proportion** to variations in signal power of first **transceiver** transmitted **spread spectrum communication signals** as received by said second **transceiver** .

EXHIBIT B

UNITED STATES PATENT NUMBER 5,257,283-GLOSSARY OF TERMS

TERM	DEFINITION
comprising	including but not limited to
inverse proportion	a relationship between two variables in which as a first variable goes up, a second variable goes down proportionately. Or as the first variable goes down, the second variable goes up proportionately.
spread spectrum communication signals	signals transmitted over a range of frequencies greater than that of the underlying information signals in a CDMA system
transceiver	a device capable of transmitting and receiving signals

FN1. All terms appearing in bold face type and underlined have been construed by the court and appear with their definitions in the glossary in Exhibit B. The definition for each construed term appears in italics after its first use in the patent.

S.D.Cal.,2006.
Qualcomm Inc. v. Broadcom Corp.

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