

United States District Court,
N.D. California, San Jose Division.

CRYPTOGRAPHY RESEARCH, INC,
Plaintiff.

v.
VISA INTERNATIONAL SERVICE ASSOC., et al,
Defendant.

No. C 04-04143 JW

Oct. 16, 2007.

Darren E. Donnelly, J. David Hadden, Lynn Harold Pasahow, Erin Catherine Jones, Ryan Aftel Tyz, Saina Sason Shamilov, Stephen Roger Dartt, Fenwick & West LLP, Mountain View, CA, David Douglas Schumann, Jedediah Wakefield, Fenwick & West LLP, San Francisco, CA, Laurie Michelle Charrington, Day Casebeer Madrid & Batchelder LLP, Cupertino, CA, for Plaintiff.

Brandon D. Baum, Eric Butler Evans, Michael A. Molano, Dennis S. Corgill, Eric Evans, Ian N. Feinberg, John Joseph Fitzgerald, IV, W. Joseph Melnik, Mayer Brown LLP, Palo Alto, CA, Elizabeth S. Campbell, Philadelphia, PA, Joshua Michael Masur, Fish & Richardson PC, Redwood City, CA, Martin Frank Majestic, Alexandra V. Atencio, Michael A. Duncheon, Hanson Bridgett Marcus Vlahos & Rudy, LLP, Adam Paul Brezine, Esq., Jesse William Markham, Robert L. Stolebarger, Thomas McCarten Kerr, Holme Roberts & Owen LLP, San Francisco, CA, Joseph Helmsen, Pittsburgh, PA, William Joseph Healey, Attorney at Law, Washington, DC, for Defendant.

ORDER GRANTING MOTION FOR RECONSIDERATION; FIFTH CLAIM CONSTRUCTION ORDER

JAMES WARE, **District Judge.**

Before the Court is Plaintiff's Motion for Reconsideration of a portion of the Court's Second Claim Construction Order. (hereafter, "Motion," Docket Item No. 342.) The Court GRANTS reconsideration and proceeds to reconsider the merits of its Second Claim Construction Order.

Specifically, Plaintiff seeks reconsideration of the Court's construction of the phrase, "**performing at least a second step of said cryptographic operation on said message portions using said key portions**" as used in Claim 18 of the ' 783 Patent. Plaintiff also seeks reconsideration of the Court's use of the word "round" in its construction. (Motion at 2.) Defendant has filed a Statement of Non-Opposition. (*See* Docket Item No. 346.)

In its Second Claim Construction Order, the Court construed the phrase to mean: "**performing at least a second round of encryption of the updated message portions using the updated key portions.**" (*See*

Second Claim Construction Order of May 4, 2007 at 12, Docket Item No. 330.)

Plaintiff contends that the Court's use of the word "encryption" to define "cryptographic operation" and the Court's use of the phrase "second round" to construe "second step" incorporate unwarranted limitations in the Claim. (Motion at 3.)

Upon reconsideration, the Court finds good cause to modify its previous construction of the subject phrase and to adopt the construction proffered by Plaintiff. Therefore, the construction of the phrase, "performing at least a second step of said cryptographic operation on said message portions using said key portions," as used in Claim 18 of the '783 Patent is modified to be as follows:

performing at least a second step of cryptographic operation on the updated message portions using the updated key portions.

N.D.Cal.,2007.

Cryptography Research, Inc. v. Visa Intern. Service Assoc.

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