United States District Court, S.D. California.

QUALCOMM INCORPORATED,

Plaintiff.

v.

MAXIM INTEGRATED PRODUCTS, INC,

Defendant.

No. 02CV2429-B(JFS)

Dec. 2, 2004.

Daniel J. Krueger, Conley Rose, Houston, TX, James R. Batchelder, Day Casebeer Madrid and Batchelder, Cupertino, CA, for Plaintiff.

Barbara A. Bailey, Charles A. Blanchard, Jerod E. Tufte, Brown and Bain, Chad S. Campbell, Michael F. Bailey, Perkins Coie Brown and Bain, Phoenix, AZ, Mark C. Mazzarella, Mazzarella Caldarelli, San Diego, CA, for Defendant.

ORDER CONSTRUING CLAIMS FOR UNITED STATES PATENT NUMBER 5,655,220

RUDI M. BREWSTER, Senior District Judge.

Plaintiff, Qualcomm, Inc. has brought suit against Defendant, Maxim Integrated Products, Inc. for infringement of United States Patent number 5,655,220 (the "'220 Patent"). Pursuant to Markman v. Westview Instruments, 52 F.3d 967 (Fed.Cir.1995), the Court conducted a hearing on August 16-19 and October 4-7 and 13-14, 2004 to construe the disputed claim terms of the '220 Patent. FN1 At the hearing, Qualcomm was represented by the law firm of Day, Casebeer, Madrid & Batchelder, and Maxim was represented by the firm of Perkins, Coie, Brown & Bain.

FN1. The disputed claims of the '220 Patent are claims 1 and 2.

The Court, with the assistance of the parties, interpreted the pertinent terms for all claim terms at issue in the '220 Patent. Additionally, a "Glossary" was prepared for terms found in the '220 Patent, that were considered to be technical in nature and which a jury of laypersons might not understand without a specific definition. As the case advances, the parties may request additional terms to be added to the glossary as may seem helpful to the jury.

After careful consideration of the parties' arguments and the applicable law, the Court **HEREBY CONSTRUES** all disputed claim terms in the '220 Patent, attached as Exhibit A. 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 5,655,220-CLAIM CHART

VERBATIM CLAIM	COURT'S CLAIM CONSTRUCTION
LANGUAGE	
Claim 1	Claim 1
A method for limiting transmit	A method for limiting transmit power of a radio [level of power
power of a radio operating in	transmitted by the radio] operating in a cellular environment, the cellular
a cellular environment, the	environment comprising a plurality [two or more] of cells [cell means a
cellular environment	base station (in a wireless communications system, any fixed station that
comprising a plurality of cells	communicates with mobile stations) and the geographic area defined by
that transmit power control	its transmission range] that transmit power control commands
commands to the radio, the	[commands from the base station instructing the radio to turn up or
radio comprising a variable	turn down power] to the radio, the radio comprising a variable gain
gain amplifier and a power	amplifier and a power limiting accumulator [a device that accumulates a
limiting accumulator, the	sum that can be used for limiting the transmit power of a radio], the
method comprising the steps	method comprising [including but not limited to] the steps of:
of:	
receiving a signal from at	receiving a signal from at least one of the plurality [two or more] of cells
least one of the plurality of	[cell means a base station (in a wireless communications system, any
cells;	fixed station that communicates with mobile stations) and the geographic
	area defined by its transmission range];
determining a power level of	determining a power level of the received signal [the signal received from
the received signal;	the base station];
determining a closed loop	determining a closed loop power control value [a value quantity
power control value in	representing one or more power control commands (commands from the
response to the received	base station instructing the radio to turn up or turn down power)] in
signal;	response to the received signal;
generating a limiting gain	generating a limiting gain control setting [a setting indicating a gain
control setting in response to	control limit] in response to the closed loop power control value [a value
the closed loop power control	quantity representing one or more power control commands (commands
value and the power level, the	from the base station instructing the radio to turn up or turn down
limiting gain control setting	power)] and the power level [power level of the received signal], the
being within a predetermined	limiting gain control setting being within a predetermined range;
range;	
combining the closed loop	combining the closed loop power control value, the power level, and the
power control value, the	limiting gain control setting to generate a gain control signal [produce a
power level, and the limiting	signal used to change the gain of an amplifier] and
gain control setting to	
generate a gain control signal	
and	
adjusting the variable gain	adjusting [changing] the variable gain amplifier [a unidirectional device
amplifier in response to the	that is capable of enlarging the waveform supplied to it, where the
gain control signal.	enlargement can be changed over a range, either continuously or in
	incremental steps in response to the gain control signal.

Claim 2	Claim 2
A method for limiting transmit	A method for limiting transmit power of a radio [level of power
power of a radio operating in	transmitted by the radio] operating in a radio communications system [a
a radio communications	system of wireless communications by means of radio waves], the radio
system, the radio	communications system comprising a plurality [two or more] of base
communications system	stations [in a wireless communications system, any fixed station that
comprising a plurality of base	communicates with mobile stations] that transmit power control commands
stations that transmit power	to the radio, the radio comprising a variable gain amplifier [a
control commands to the	unidirectional device that is capable of enlarging the waveform supplied
radio, the radio comprising a	to it, where the enlargement can be changed over a range, either
variable gain amplifier and a	continuously or in incremental steps] and a maximum gain setting
maximum gain setting, the	[maximum gain setting [upper limit on the gain setting], the method
method comprising the steps	comprising [including but not limited to] the steps of:
of:	
receiving a signal from at	receiving a signal from at least one of the plurality [two or more] of base
least one of the plurality of	stations [in a wireless communications system, any fixed station that
base stations;	communicates with mobile stations];
generating a received power	generating a received power level signal [producing a value indicating a
level signal in response to the	power level] in response to the received signal [the signal received from
received signal;	the base station];
generating a closed loop	generating a closed loop power control signal [a value quantity
power control signal in	representing one or more power control commands (commands from the
response to the received	base station instructing the radio to turn up or turn down power)] in
signal;	response to the received signal [the signal received from the base station];
combining the received power	combining the received power level signal and the closed loop power
level signal and the closed	control signal [a value quantity representing one or more power control
loop power control signal to	commands (commands from the base station instructing the radio to
produce a summation signal;	turn up or turn down power)] to produce a summation signal [a signal
	that represents the sum of two or more other signals];
comparing the summation	comparing the summation signal to the maximum gain setting [upper limit
signal to the maximum gain	on the gain setting];
setting;	
adjusting the variable gain	adjusting the variable gain amplifier [a unidirectional device that is
amplifier in response to the	capable of enlarging the waveform supplied to it, where the enlargement
maximum gain setting if the	can be changed oyer a range, either continuously or in incremental steps]
summation signal is greater	in response to the maximum gain setting if the summation signal is greater
than or equal to the maximum	than or equal to the maximum gain setting; and
gain setting; and	
adjusting the variable gain	adjusting the variable gain amplifier in response to the summation signal if
amplifier in response to the	the summation signal is less than the maximum gain setting.
summation signal if the	
summation signal is less	
than the maximum gain	
setting.	

Term	Definition
Adjusting	Changing
Base station	In a wireless communications system, any fixed station that communicates with
	mobile stations
Cells	Cell means a base station (in a wireless communications system, any fixed station that communicates with mobile stations) and the geographic area defined by its transmission range
Closed loop power	A value quantity representing one or more power control commands (commands
control value	from the base station instructing the radio to turn up or turn down power)
Comprising	Including but not limited to
Generate a gain	Produce a signal used to change the gain of an amplifier
control signal	
Generating a received power level signal	Producing a value indicating a power level
Limiting gain control setting	A setting indicating a gain control setting
Maximum gain setting	Upper limit on the gain setting
Plurality	Two or more
Power control	Commands from the base station instructing the radio to turn up or turn down power
commands	
Power control signal	A value quantity representing one or more power control commands (commands
	from the base station instructing the radio to turn up or turn down power)
Power control value	A value quantity representing one or more power control commands (commands from the base station instructing the radio to turn up or turn down power)
Power limiting	A device that accumulates a sum that can be used for limiting the transmit power of a
accumulator	radio
Predetermined	Determined in advance
Radio	A system of wireless communications by means of radio waves
communications	
system	
Received signal	The signal received from the base station
Summation signal	A signal that represents the sum of two or more other signals
Transmit power of a	Level of power transmitted by the radio
radio	
Variable gain	A unidirectional device that is capable of enlarging the waveform supplied to it,
amplifier	where the enlargement can be changed over a range, either continuously or in incremental steps

S.D.Cal.,2004.

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