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. 27, 2005.

John Allcock, DLA Piper US, San Diego, CA, for Plaintiff/Counter-Defendant.

Darryl J. Adams, Dean M. Munyon Dewey Ballantine, James D. Smith, 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 5,283,819

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 September 22,2005, 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 5,283,819 ("the '819 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 of 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 '819 patent. Additionally, the Court prepared a case glossary for terms found in the claims and the specification for the '819 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** '819 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 5,283,819-CLAIM CHART

VERBATIM CLAIM LANGUAGE	***COURT'S CONSTRUCTION***
Claim 1	
1. A remotely controllable computing and multimedia entertainment system, comprising:	1. A remotely controllable computing and multimedia entertainment system, comprising:
a ***personal computer*** comprising a ***personal computer chassis*** and a ***monitor;***	a ***personal computer*** [*a computer designed for general purpose use by one individual at a time] comprising a* ***personal computer chassis*** [***the physical housing that contains some of the components of the personal computer***] and a ***monitor*** [*a display device*];
an entertainment circuit for receiving a plurality of entertainment signals, said entertainment circuit comprising in association with said ***personal computer*** and in said ***personal computer chassis*** a radio frequency circuit, a ***television circuit*** and an audio multimedia circuit;	an entertainment circuit for receiving a plurality of entertainment signals, said entertainment circuit comprising in association with said ***personal computer*** and in said ***personal computer chassis*** a radio frequency circuit, a ***television circuit*** [*a circuit that includes the capability of receiving television signals*] and an audio multimedia circuit;
said radio frequency circuit for receiving a plurality of radio frequency signals,	said radio frequency circuit for receiving a plurality of radio frequency signals,
said radio frequency circuit comprising circuitry for ***recording*** said radio frequency signals within said ***personal computer;***	said radio frequency circuit comprising circuitry for ***recording*** [storing] said radio frequency signals within said ***personal computer:***
said ***television circuit*** for receiving a plurality of television signals, said ***television circuit*** further comprising ***circuitry for associating said television circuit with video graphics array. monitor circuitry;***	said ***television circuit*** for receiving a plurality of television signals, said **television circuit** further comprising ***circuitry for associating said television circuit with video graphics array monitor circuitry*** [*circuitry permitting communication between the television circuit and the video graphics array monitor circuitry; a video graphics array monitor is, a monitor that can display image formats associated with the video graphics array (VGA) standard; VGA monitor circuitry is circuitry in a VGA monitor*];
said audio multimedia circuit further associated with said radio	said audio multimedia circuit further associated with said radio frequency circuit and said ***television circuit*** for ***programmably controlling and***

frequency circuit and said ***television circuit*** for ***programmably controlling and integrating said radio frequency signals with said television signals,***	***integrating said radio frequency signals with said television signals*** [*combining the reception of radio frequency signals with television signals*],
said audio multimedia circuit comprising an ***analog mixing circuit*** for mixing a plurality of analog audio signals,	said audio multimedia circuit comprising an ***analog mixing circuit*** [*a circuit that combines two or more analog audio signals*] for mixing a plurality of analog audio signals,
and an ***analog-to-digital/digital-to-analog converter*** in association with said ***analog mixing circuit*** for generating a plurality of analog output signals and ***directing*** said analog output signals to said analog mixing circuit,	and an ***analog-to-digital/digital-to-analog converter*** [*circuitry within a single device capable of converting an analog input signal to a digital output signal and a digital input signal to an analog output signal*] in association with said ***analog mixing circuit*** for generating a plurality of analog output signals and ***directing*** [*sending, either directly or indirectly*] said analog output signals to said analog mixing circuit,
said ***analog-to-digital/digital-to-analog converter*** further associated with said ***analog mixing circuit*** for receiving a plurality of analog audio signals to generate a plurality of digital output signals; and	said ***analog-to-digital/digital-to-analog converter*** further associated with said ***analog mixing circuit*** for receiving a plurality of analog audio signals to generate a plurality of digital output signals; and
a telephone circuit for communicating over a telephone line a plurality of telephone input signals,	a telephone circuit for communicating over a telephone line a plurality of telephone input signals,
said telephone circuit comprising a ***data/fax/voice modem circuit*** for communicating over said telephone line data, fax, and voice telephone signals;	said telephone circuit comprising a ***data/fax/voice modem circuit*** [*a communications circuit that uses modulation and demodulation techniques to enable a computer to transmit and receive digital data over a standard telephone network, which has the capability of: (1) sending and receiving data to and from another computer over a telephone line; (2) sending and receiving faxes to and from a fax machine or another fax modem over a telephone line; and (5) recording a telephone voice message and converting the voice message into a digital format, and has the capability of switching between telephony and data modes*] for communicating over said telephone line data, fax, and voice telephone signals;
and a remote control circuit comprising a receiving circuit and a remote control device and in association with said ***personal computer*** for transmitting control signals to said receiving circuit,	and a remote control circuit comprising a receiving circuit and a remote control device and in association with said ***personal computer*** for transmitting control signals to said receiving circuit,
said receiving circuit associated with said ***personal computer*** for	said receiving circuit associated with said ***personal computer*** for programmably controlling said entertainment circuit,

programmably controlling said entertainment circuit,	
said remote control circuitry comprising a remote control hand held device and a ***remote control photodetector within said personal computer chassis.***	said remote control circuitry comprising a remote control hand held device and a ***remote control photodetector within said personal computer chassis*** [*a remote control photodetector that is physically located inside the personal computer chassis*].
Claim 3	
3. The system of claim 1, wherein said ***television circuit*** further comprises circuitry in association with said computer for generating a plurality of ***video windows*** having ***independent operation*** on said ***monitor.***	3. The system of claim 1, wherein said ***television circuit*** further comprises circuitry in association with said computer for generating a plurality of ***video windows*** [*image insets within a full screen of the monitor capable of showing images received from the television circuit*] having ***independent operation*** [*the windows can be separately operated from each other as well as from the remainder of the monitor display*] on said ***monitor.***
Claim 4	
4. The system of claim 1, ***wherein said television circuit further comprises circuitry for independent x-y scaling of video images*** appearing on said ***monitor*** so that a user may display windowed video images on said ***monitor.***	4. The system of claim 1. ***wherein said television circuit further comprises circuitry for independent x-y scaling of video images*** [*the television circuit includes circuitry for changing the size of a displayed video image separately in the x (horizontal) and/or y (vertical) directions*] appearing on said ***monitor*** so that a user may display windowed video images on said ***monitor.***
Claim 5	
5. The system ot claim 1, wherein said ***television circuit*** further comprises circuitry for receiving video cassette recorder video and audio signals.	5. The system of claim 1, wherein said ***television circuit*** further comprises circuitry for receiving video cassette recorder video and audio signals.
Claim 6	
6. The system ot claim 1, wherein said ***television circuit*** further comprises circuitry for video image ***zooming.***	6. The system ot claim 1, wherein said ***television circuit*** further comprises circuitry for video image ***zooming*** [*changing the size of all or a portion of a video image*].
Claim 7	
7. The system ot claim 1, wherein said ***television circuit*** further comprises circuitry for video image ***interlacing.***	7. The system ot claim 1, wherein said ***television circuit*** further comprises circuitry for video image ***interlacing*** [*a method of image display by showing alternately the even and odd horizontal lines of the monitor screen*].
Claim 8	
8. The system of claim 1, wherein said telephone circuit further comprises a speaker interface circuit in association	8. The system ot claim 1, wherein said telephone circuit further comprises a speaker interface circuit in association with said ***data/fax/voice modem circuit*** for receiving output signals from said modem circuit and transmitting said received output signals as speaker output signals.

with said ***data/fax/voice modem circuit*** for receiving output signals from said modem circuit and transmitting said received output signals as speaker output signals.	
Claim 9	
9. The system ot claim 1, wherein said data/fax/voice modem circuit further comprises circuitry for automatic telephone answering for answering said telephone line, said modem circuit being capable of transmitting received telephone signals within said computer for recording said received telephone signals.	9. The system ot claim 1, wherein said data/fax/voice modem circuit further comprises circuitry for automatic telephone answering for answering said telephone line, said modem circuit being capable of transmitting received telephone signals within said computer for recording said received telephone signals.
Claim 10	
10. The system of claim 1, wherein ***said television circuit further comprises circuitry for digitally recording video images from said television circuit to said computer.***	10. The system ot claim 1, wherein ***said television circuit further comprises circuitry for digitally recording video images from said television circuit to said computer*** [*the television circuit includes circuitry that enables video images to be stored digitally*].

EXHIBIT B

UNITED STATES PATENT NUMBER 5,283,819-GLOSSARY OF TERMS

TERM	DEFINITION
Analog Mixing Circuit	A circuit that combine two or more analog audio signals
Analog-to-Digital/Digital-to-Analog Converter	Circuitry within a single device capable of converting an analog input signal to a digital output signal and a digital input signal to an analog output signal
Data/Fax/Voice Modem	A communications circuit that uses modulation and demodulation techniques to enable a computer to transmit and receive digital data over a standard telephone network, which has the capability of: (1) sending and receiving data to and from another computer over a telephone line; (2) sending and receiving faxes to and from a fax machine or another fax modem over a telephone line; and (3) recording a telephone voice message and converting the voice message into a digital format, and has the capability of switching

	between telephony and data modes
Directing	Sending, either directly or indirectly
Interlacing	A method of image display by showing alternately the even and odd horizontal lines of the monitor screen
Monitor	A display device
Personal Computer Chassis	The physical housing that contains some of the components of the personal computer
Personal Computer	A computer designed for general purpose use by one individual at a time
Programmably controlling and integrating said radio frequency signals with said television signals	Combining the reception of radio frequency signals with television signals
Recording	Storing
Television Circuit	A circuit that includes the capability of receiving television signals
Video Graphics Array Monitor (VGA)	A monitor that can display image formats associated with the video graphics array (VGA) standard
Video Graphics Array Monitor Circuitry	Circuitry in a video graphics array monitor
Video Windows	Image insets within a full screen of the monitor capable of showing images received from the television circuit
Zooming	Changing the size of all or a portion of a video image

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