

United States District Court,
N.D. Alabama, Northeastern Division.

AVOCENT HUNTSVILLE CORPORATION,
Plaintiff.

v.

CLEARCUBE TECHNOLOGY, INC,
Defendant.

Civil Action No. CV-03-S-2875-NE

March 15, 2006.

Michael R. Casey, Donald L. Jackson, J. Scott Davidson, James D. Berquist, Peter W. Gowdey, Davidson, Berquist, Jackson & Gowdey LLP, Arlington, VA, J. Jeffery Rich, Sirote and Permutt PC, Huntsville, AL, for Plaintiff.

Harlan I Prater, IV, Lightfoot Franklin & White LLC, Birmingham, AL, J. David Cabello, Russell T. Wong, Wong Cabello Lutsch Rutherford & Brucculeri LLP, Houston, TX, Joseph M. Cloud, Joseph M. Cloud PC, Huntsville, AL, for Defendant.

ORDER

LYNWOOD SMITH, District Judge.

Avocent Huntsville Corp. is the owner of two patents that concern transmission of computer video signals over extended distances: U.S. Patent No. 6,150,997 ("the '997 patent"); and U.S. Patent No. 6,184,919 ("the '919 patent"). Avocent's suit against ClearCube Technology, Inc., claims that ClearCube's computer systems infringe claim 1 of the '997 patent, and claims 1, 6, and 16-18 of the '919 patent. FN1

FN1. Doc. no. 1 (complaint); *see also* doc. no. 125 (Avocent Huntsville's Summary and Background of the Technology Embodied in the Claims of the Patents-in-Suit), at 1.

The first issue in any patent infringement case is that of "claim construction," the interpretation of words used in a patent's claim, "the portion of the patent document that defines the scope of the patentee's rights." *Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 372 (1996); *see also, e.g.*, *Rockwell International Corporation v. United States*, 147 F.3d 1358, 1362 (Fed.Cir.1998) ("The first step in any invalidity or infringement analysis is claim construction.") (citations omitted). The parties' claim construction contentions were set forth in a Joint Claim Construction and Pre-Hearing Statement, FN2 the relevant issues were briefed, FN3 and the court conducted a claim construction hearing on February 22 and 23, 2006.

FN2. Doc. no. 78.

FN3. Doc. no. 79 (Avocent's Combined Memorandum in Support of its *Markman* Claim Construction Contentions); doc. no. 84 (ClearCube's Response and Memorandum in Support of its *Markman* Claim Construction Contentions); doc. no. 89 (Avocent's Combined Reply in Support of its *Markman* Claim Construction Contentions).

In accordance with the memorandum opinion entered contemporaneously herewith, the court will adopt the following constructions of the disputed terms. "Twisted pair" wiring, which is used to achieve transmission of analog video signals in the '919 patent, may be either "shielded" or "unshielded." An "amplifier," as it is claimed in both the '997 and '919 patents, is a "circuit (or a device when connected in a circuit) that draws power from a source other than the input signal and provides an output signal that reproduces the essential features of the input signal." The claim term "discrete," as it is used in both the '997 and '919 patents, simply means that a color video signal (*e.g.*, red) is separate or distinct from the other two color video signals. Finally, the phrase "for said transmitter," as recited in claim 1 of the '919 patent, shall be construed to mean "from the signals received from the transmitter."

N.D.Ala.,2006.

Avocent Huntsville Corp. v. Clearcube Technology, Inc.

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