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)

June 20, 2006.

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CLAIM CONSTRUCTION ORDER FOR UNITED STATES PATENT NUMBER 5,500,872

RUDI M. BREWSTER**, Senior Judge.**

Pursuant to Markman v. Westview Instruments, Inc., 517 U.S. 370, 116 S.Ct. 1384, 134 L.Ed.2d 577 (1996), on May 15-17, 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 5,500,872 ("the '872 patent"). Plaintiff Qualcomm, Inc. was represented by the law firm of Heller Ehrman LLP, and Defendant Broadcom Corp. was represented by the law firm of McAndrews, Held & Malloy, Ltd.

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 '872 patent. Additionally, the Court prepared a case glossary for terms found in the claims and specification for the '872 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 '872 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 5,500,872-CLAIM CHART

VERBATIM CLAIM LANGUAGE	**COURT'S CONSTRUCTION**
Claim 1	**Claim 1**
1. Apparatus comprising:	Apparatus ***comprising*** [*including but not limited to*]:
antenna means for receiving a spread spectrum signal;	antenna means for receiving a ***spread spectrum signal*** [*a signal spread over a band of frequencies wider than the original information signal*];
amplification means operably attached to said antenna means for amplifying said received signal;	***amplification means operably attached to said antenna means for amplifying said received signal [This is a means-plus-function limitation.*** *The function is amplifying the received signal. The corresponding structure is an amplifier or an equivalent thereof that is electronically connected to the antenna.*];
first correlator means operably attached to said amplification means for determining the correlation level of said signal with respect to a first code sequence;	first ***correlator*** [*device which is capable of comparing two signals to determine the extent to which they agree or disagree*] means operably attached to said amplification means for determining ***the correlation level of said signal*** [*the extent to which the received signal agrees or disagrees*] with respect to a first ***code sequence*** [*a binary sequence of* ***chips.*** *A chip is a binary unit in a spread spectrum information signal,*];
second correlator means	second ***correlator*** means operably attached to said amplification means for

operably attached to said amplification means for determining the correlation level of said signal with respect to a second code sequence;	determining the ***correlation level of said signal*** with respect to a second ***code sequence;***
comparing means for comparing the output levels of said first correlator means and said second correlator means;	***comparing means for comparing the output levels of said first correlator means and said second correlator means [This is a means-plus-function limitation.*** *The function is comparing the output levels of the first* ***correlator*** *means and second* ***correlator*** *means. The corresponding structure is Figure 1, Item 20 and equivalents thereof.*];
holding means operably attached to said comparing means for sampling and holding the output of said companng means;	***holding means operably attached to said comparing means for sampling and holding the output of said comparing means [This is a means-plus-function limitation.*** *The function is* ***sampling*** [*selecting a sample] and* ***holding*** [*maintaining a condition without change] the output of the* ***comparing means.*** *The corresponding structure is Figure 1, Item 33 hold circuit; Col. 7, ll. 60-61 "hold circuit ... comparator (20)"; and equivalents thereof.*];
signal detection means operably attached to said first correlator means and said second correlator means for determining when a code sequence has been detected on one of the first and second correlator means;	***signal detection means operably attached to said first correlator means and said second correlator means for determining when a code sequence has been detected on one of the first and second correlator means*** [***This is a means-plus-function limitation.*** *The function is determining when a* ***code sequence*** *has been detected on one of the first and second* ***correlator*** *means. The corresponding structure is Exhibit A, signal detect 22; Figure 1, signal detect 22; Figure 14, signal detect comparator 27; Figure 10, signal detect comparator 27; Figure 17, comparator 140 (U_1); and equivalents thereof.];*
triggering means for transferring a sample and hold trigger from said signal detector means to said holding means; and	***triggering means for transferring a sample and hold trigger from said signal detector means to said holding means [This is a means-plus-function limitation.*** *The function is transferring a* ***sample and hold trigger*** [*a signal that causes the holding means to sample and hold the output of the comparing means] from the* ***signal detector means*** *to the* ***holding means.*** *The corresponding structure is a phase-locked loop (Abs.ll.9-11); Exhibit A, phase-locked loop 30; Figure 1, phase-locked loop 30; Col. 7, ll. 59-61; and Col. 8, ll. 6-15; and equivalents thereof.]; and*
means for outputting the decoded information from said holding means.	***means for outputting the decoded information from said holding means*** [***This is a means-plus-function limitation.*** *The function is outputting the decoded information from the* ***holding means.*** *The corresponding structure is output line 37 in Figure 1; line (37) in Col. 7, ll. 61-63; and equivalents thereof.*].

Claim 2	**Claim 2**
2. A method of processing spread spectrum signals comprising the steps of:	2. A method of processing ***spread spectrum signals comprising*** the steps of:
receiving a spread spectrum signal;	receiving a ***spread spectrum signal;***
amplifying said spread spectrum signal;	amplifying said ***spread spectrum signal:***
correlating said signal using a first correlator having an output and a second correlator having an output;	***correlating said signal*** [*a process of comparing the amplified signal to a reference signal to determine the extent to which the signals agree or disagree*] using a first ***correlator*** having an output

	and a second ***correlator*** having an output;
comparing the outputs of said first correlator and said second correlator into a comparator output;	comparing the outputs of said first ***correlator*** and said second ***correlator*** into a ***comparator*** [*a device that compares two items of data and indicates the result of that comparison*] output;
determining when a correlated signal has been detected on said first correlator or said second correlator;	determining when a ***correlated signal*** [*a signal that has been determined to be a valid signal*] has been detected on said first ***correlator*** or said second ***correlator;***
determining the time interval between determinations that a correlated signal has been detected;	determining the time interval between determinations that a ***correlated signal*** has been detected;
sampling the comparator output when a determination has been made that a correlated signal has been detected;	***sampling*** the ***comparator*** output when a determination has been made that a ***correlated signal*** has been detected;
sampling the comparator output after the determined time interval even when a determination of a correlated signal detect has not been made; and	***sampling*** the ***comparator*** output after the determined time interval even when a determination of a ***correlated signal*** detect has not been made; and
holding the sampled comparator output until another sampling occurs .	***holding*** the ***sampled comparator*** output until another ***sampling*** occurs.
Claim 3	**Claim 3**
3. The method of claim 2 including the step of outputting the held sampled comparator output.	3. The method of claim 2 including the step of outputting the ***held sampled comparator*** output.

EXHIBIT B

UNITED STATES PATENT NUMBER 5,500,872-GLOSSARY OF TERMS

TERM	*DEFINITION*
amplification means operably attached to said antenna means for amplifying said received signal	**This is a means-plus-function limitation.** The function is amplifying the received signal. The corresponding structure is an amplifier or an equivalent thereof that is electronically connected to the antenna.
chip	a binary unit in a spread spectrum information signal
code sequence	a binary sequence of chips. A ***chip*** is a binary unit in a spread spectrum information signal.
comparator	a device that compares two items of data and indicates the result of that comparison
comparing means for comparing the output levels of said first correlator means and said second correlator means	**This is a means-plus-function limitation.** The function is comparing the output levels of the first ***correlator*** means and second ***correlator*** means. The corresponding structure is Figure 1, Item 20 and equivalents thereof.
comparing means	See definition of "**comparing means for comparing the output levels of said first correlator means and said second correlator means.**"
comprising	including but not limited to
correlated signal	a signal that has been determined to be a valid signal
correlating said signal	a process of comparing the amplified signal to a reference signal to determine the extent to which the signals agree or disagree

correlation level of said signal	the extent to which the received signal agrees or disagrees
correlator	device which is capable of comparing two signals to determine the extent to which they agree or disagree
held	See definition of "**holding.**"
holding	maintaining a condition without change
holding means operably attached to said comparing means for sampling and holding the output of said comparing means	**This is a means-plus-function limitation.** The function is ***sampling*** [*selecting a sample*] and ***holding*** [*maintaining a condition without change*] the output of the comparing means. The corresponding structure is Figure 1, Item 33 hold circuit; Col. 7, ll. 60-61 "hold circuit ... comparator (20)"; and equivalents thereof.
holding means	See definition of "**holding means operably attached to said comparing means for sampling and holding the output of said comparing means.**"
means for outputting the decoded information from said holding means	**This is a means-plus-function limitation.** The function is outputting the decoded information from the ***holding means.*** The corresponding structure is output line 37 in Figure 1; line (37) in Col. 7, ll. 61-63; and equivalents thereof.
sample and hold trigger	a signal that causes the holding means to sample and hold the output of the comparing means
sampled	See definition of "**sampling.**"
sampling	selecting a sample
signal detection means operably attached to said first correlator means and said second correlator means for determining when a code sequence has been detected on one of the first and second correlator means	**This is a means-plus-function limitation.** The function is determining when a ***code sequence*** has been detected on one of the first and second ***correlator*** means. The corresponding structure is Exhibit A, signal detect 22; Figure 1, signal detect 22; Figure 14, signal detect comparator 27; Figure 10, signal detect comparator 27; Figure 17, comparator 140 (U_1); and equivalents thereof.
signal detector means	See definition of "**signal detection means operably attached to said first correlator means and said second correlator means for determining when a code sequence has been detected on one of the first and second correlator means.**"
spread spectrum signal	a signal spread over a band of frequencies wider than the original information signal
triggering means for transferring a sample and hold trigger from said signal detector means to said holding means	**This is a means-plus-function limitation.** The function is transferring a ***sample and hold trigger;*** [*a signal that causes the holding means to sample and hold the output of the comparing means*] from the ***signal detector means*** to the ***holding means.*** The corresponding structure is a phase-locked loop (Abs.11.9-11); Exhibit A, phase-locked loop 30; Figure 1, phase-locked loop 30; Col. 7, ll. 59-61; and Col. 8, ll. 6-15; and equivalents thereof.

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.