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 26, 2006.

CLAIM CONSTRUCTION ORDER FOR UNITED STATES PATENT NUMBER 6,320,896

RUDI M. BREWSTER, Senior District Judge.

Pursuant to Markman v. Westview Instruments, Inc., 517 U.S. 370 (1996), on June5-8, 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 6,320,896 ("the '896 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 '896 patent. Additionally, the Court prepared a case glossary for terms found in the claims and specification for the '896 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 '896 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

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.

VERBATIM CLAIM LANGUAGE	COURT'S CONSTRUCTION
Claim 1	Claim 1
1. A receiving device for use in an	1. A receiving device for use in an environment in which both
environment in which both frequency-	frequency-hopping [an RF signal that jumps between narrow-
hopping and direct-sequence spread	bands of frequencies in a pseudorandom sequence [a sequence
	that satisfies one or more standard tests for statistical
present, comprising:	randomness]] and direct-sequence spread spectrum [an RF
	signal modulated by a digital code sequence to spread the signal
	over a band of frequencies wider than the original information
	signal] radio frequency (RF) signals [signals having a frequency
	in the radio spectrum] are present, comprising [including but not
	limited to]:
an RF receiver for receiving RF input	an RF receiver for receiving RF input signals:
signals;	
a detector coupled to said receiver and	a detector coupled to said receiver and having a <i>plurality</i> [two or
having a plurality of parallel stages, each	more] of parallel stages, each one of said stages sampling [
one of said stages sampling an RF energy	
level within a distinct band of	distinct [separately identifiable] band of frequencies; and
frequencies; and	
a discriminator coupled to said detector	a discriminator coupled to said detector for <i>discriminating</i> [
for discriminating said RF input signals	distinguishing] said RF input signals between <i>frequency</i> -
between frequency-hopping and direct-	hopping and direct-sequence spread spectrum signals, wherein
sequence spread spectrum signals,	said RF input signals comprise direct-sequence spread spectrum
wherein said RF input signals comprise	signals when <i>RF</i> energy is present in more than one of said
direct-sequence spread spectrum signals	stages, and said RF input signals comprise frequency-hopping
when RF energy is present in more than	spread spectrum signals when RF energy is present in only one
one of said stages, and said RF input	of said stages.
signals comprise frequency-hopping	
spread spectrum signals when RF energy	
is present in only one of said stages.	
Claim 2	Claim 2 2. The device of alaim 1 forther comprising a controller for
2. The device of claim 1, further	2. The device of claim 1, further <i>comprising</i> a controller for
comprising a controller for controlling	controlling said receiver responsive to said discriminator.
said receiver responsive to said	
discriminator.	Claim 3
Claim 3 3. The device of claim 2. further	
3. The device of claim 2, further	3. The device of claim 2, further <i>comprising</i> a demodulator
· · · ·	coupled to said receiver and said controller, said demodulator
receiver and said controller, said	recovering data from said received <i>RF</i> input signals, said
demodulator recovering data from said	controller modifying operation of said demodulator responsive to
received RF input signals, said controller	said discriminator.

UNITED STATES PATENT NUMBER 6,320,896-CLAIM CHART

responsive to said discriminator.	Claim 4
4. The device of claim 1, wherein each	4. The device of claim 1, wherein each one of said stages
one of said stages comprises an integrator	comprises an integrator adapted to integrate [add] received RF
adapted to integrate received RF energy	energy over a predetermined sampling time.
over a predetermined sampling time.	
Claim 5	Claim 5
5. The device of claim 1, wherein each	5. The device of claim 1, wherein each one of said stages
· ·	<i>comprises</i> a filter tuned to one of said <i>distinct</i> frequency bands.
to one of said distinct frequency bands.	
Claim 6	Claim 6
6. The device of claim 5, wherein said	6. The device of claim 3, wherein said filter further <i>comprises</i> an
filter further comprises an analog filter. \overline{a}	analog filter.
Claim 7	Claim 7
7. The device of claim 5, wherein said	7. The device of claim 5, wherein said filter further <i>comprises</i> a
filter further comprises a digital filter.	digital filter. Claim 8
	8. A receiver for use in an environment in which both <i>frequency</i> -
sequence spread spectrum radio frequency	-hopping and direct-sequence spread spectrum radio frequency
(RF) signals are present, comprising:	(Kr) signais are present, comprising.
means for receiving and downconverting	means for receiving and downconverting RF input signals [This
RF input signals; and	is a means-plus-function limitation. The function is receiving
ra mpar signais, and	and downconverting [converting to a lower frequency] RF input
	signals. The corresponding structure is an antenna, a filter, an
	amplifier stage, a downconversion mixer, and equivalents
	thereof]; and
means for discriminating said RF input	means for discriminating said RF input signals between
signals between frequency-hopping and	frequency-hopping and direct-sequence spread spectrum signal
direct-sequence spread spectrum signals	[This is a means-plus-function limitation. The function is
by sampling energy level present in each	discriminating between frequency-hopping and direct sequence
one of a plurality of distinct frequency	spread spectrum RF input signals. The corresponding structure is
bands, wherein said RF input signals	a discrimination circuit 30 in Figure 1, which includes filter
	banks and a logic unit, or equivalents thereof] by sampling
signals when RF energy is present in	energy level present in each one of a plurality of distinct
	frequency bands, wherein said <i>RF</i> input signals comprise direct-
frequency bands, and said RF input	sequence spread spectrum signals when RF energy is present in more than one of said plurglity of distinct frequency bands, and
signals comprise frequency-hopping spread spectrum signals when RF energy	more than one of said <i>plurality</i> of <i>distinct</i> frequency bands, and said <i>RF input signals</i> comprise <i>frequency-hopping spread</i>
is present in only one of said distinct	<i>spectrum</i> signals when <i>RF energy</i> is present in only one of said
frequency bands.	<i>distinct</i> frequency bands.
Claim 9	Claim 9
9. The receiver of claim 8, further	9. The receiver of claim 8, further comprising <i>means for</i>

in response to said discriminating means.	function limitation. The function is recovering data from said
	downconverted RF input signals. The corresponding structure is
Claim 10	a demodulator 28 in Figure 1, or equivalents thereof.]. Claim 10
10. The receiver of claim 8, wherein said	10. The receiver of claim 8, wherein said <i>discriminating means</i>
discriminating means comprises a	<i>comprises a plurality</i> of parallel stages and a detector coupled to
plurality of parallel stages and a detector	said stages, each one of said stages being tuned for a <i>distinct</i>
coupled to said stages, each one of said	frequency band, said detector being adapted to sample an <i>RF</i>
	<i>energy level</i> passing through said stages and provide a signal
band, said detector being adapted to	indicating whether said <i>RF</i> input signals are frequency-hopping
sample an RF energy level passing	or direct-sequence spread spectrum signals.
through said stages and provide a signal	
indicating whether said RF input signals	
are frequency-hopping or direct-sequence	
spread spectrum signals.	
Claim 11	Claim 11
11. The receiver of claim 10, wherein	11. The receiver of claim 10, wherein each one of said stages
each one of said stages comprises a filter	comprises a filter tuned to one of said distinct frequency bands.
tuned to one of said distinct frequency	
bands.	
Claim 12	Claim 12
12. The receiver of claim 10, wherein	12. The receiver of claim 10, wherein each one of said stages
each one of said stages comprises an	comprises an integrator adapted to integrate received RF energy
integrator adapted to integrate received	over a predetermined time.
RF energy over a predetermined time.	
Claim 13	Claim 13
13. The receiver of claim 10, wherein	13. The receiver of claim 10, wherein each one of said stages
each one of said stages comprises an	comprises an analog filter.
analog filter.	
Claim 14	Claim 14
14. The receiver of claim 10, wherein	14. The receiver of claim 10, wherein each one of said stages
each one of said stages comprises a	<i>comprises</i> a digital filter.
digital filter.	
Claim 15	Claim 15
15. The receiver of claim 8, wherein said	15. The receiver of claim 8, wherein said data <i>recovering means</i>
data recovering means comprises a	comprises a demodulator coupled to said receiving means.
demodulator coupled to said receiving	
means.	
Claim 16	Claim 16
16. In an environment in which both	16. In an environment in which both <i>frequency-hopping</i> and
frequency-hopping and direct-sequence	direct-sequence spread spectrum radio frequency (RF) signals
spread spectrum radio frequency (RF)	are present, a method for receiving data comprises:
signals are present, a method for receiving	
data comprises:	
receiving and downconverting RF input	receiving and <i>downconverting RF input signals;</i> and
signals; and	

between frequency-hopping and direct- sequence spread spectrum signals by sampling energy level present in each one of a plurality of distinct frequency bands, wherein said RF input signals are direct- sequence spread spectrum signals when RF energy is present in more than one of said plurality of distinct frequency bands, and said RF input signals are frequency- hopping spread spectrum signals when RF energy is present in only one of said plurality of distinct frequency bands.	
	Claim 17
17. The method oF claim 16, further	17. The method oF claim 16, further <i>comprising</i> recovering data
1 0 0	from said <i>downconverted RF input signals</i> in response to said
1 0	discriminating step.
response to said discriminating step.	
· · · · · · · · · · · · · · · · · · ·	Claim 18
	18. The method of claim 16, wherein said <i>discriminating</i> step
	comprises providing a signal indicating whether said RF input
signal indicating whether said RF input	signals are frequency-hopping or direct-sequence spread
signals are frequency-hopping or direct-	<i>spectrum</i> signals.
sequence spread spectrum signals.	
Claim 19	Claim 19
19. The method of claim 16, wherein	19. The method of claim 16, wherein said <i>discriminating</i> step
said discriminating step comprises	comprises integrating received RF energy over a predetermined
integrating received RF energy over a	sampling time.

EXHIBIT B

UNITED STATES PATENT NUMBER 6,320,896-GLOSSARY OF TERMS

comprises	including but not limited to
comprising	including but not limited to
direct-sequence spread	an RF signal modulated by a digital code sequence to spread the signal
spectrum	over a band of frequencies wider than the original information signal
discriminating	distinguishing
discriminating means	See definition of "means for discriminating said RF input signals
	between frequency-hopping and direct-sequence spread spectrum
	signals."
distinct	separately identifiable
downconverted	See definition of "downconverting."
downconverting	converting to a lower frequency
energy	signal power
energy level	signal power

pseudorandom sequence [a sequence that satisfies one or more standard tests for statistical randomness]integrateaddintegratingaddingmeans for discriminating said RF input signals between frequency-hopping and direct- sequence spread spectrum signalsThis is a means-plus-function limitation. The function is discrimination circuit 30 in Figure 1, which includes filter banks and a logic unit, or equivalents thereof.means for receiving and downconverting RF input signalsThis is a means-plus-function limitation. The function is receiving and downconverting [converting to a lower frequency] RF input signals. The corresponding structure is an antenna, a filter, an amplifier stage, a downconverted RF input signals in response to said discriminating means.pluralitytwo or more pseudorandom sequencea sequence that satisfies one or more standard tests for statistical randomness	frequency-hopping	an RF signal that jumps between narrow-bands of frequencies in a
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sampling selecting a sample		spectrum]
	sampling	selecting a sample

S.D.Cal.,2006. Qualcomm Inc. v. Broadcom Corp.

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