United States District Court,
E.D. Texas, Marshall Division.

TEXAS INSTRUMENTS INCORPORATED,
v.
LINEAR TECHNOLOGY CORPORATION.

Civil Action No. 2:01CV03

April 3, 2002.

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ORDER

T. JOHN WARD**, District Judge.**

On March 8, 2002, the court held a claim construction hearing in this case. After considering the submissions of the parties and arguments of counsel, the court issues this order construing the claims of the patent-in-suit.

1. Background.

The plaintiff in this case is Texas Instruments, Inc. ("TI"). TI accuses the defendant, Linear Technology, Inc. ("LTC") of infringing four United States Patents: U.S. Patent No. 4,794,277; 4,471,292; 5,390,069; and 4,893,091.

2. Legal principles relevant to claim construction.

"A claim in a patent provides the metes and bounds of the right which the patent confers on the patentee to exclude others from making, using or selling the protected invention." Burke, Inc. v. Bruno Indep. Living Aids, Inc., 183 F.3d 1334, 1340 (Fed.Cir.1999). Claim construction is an issue of law for the court to decide. Markman v. Westview Instruments, Inc., 52 F.3d 967, 970-71 (Fed.Cir.1995)(en banc), *aff'd,* 517

U.S. 370, 116 S.Ct. 1384, 134 L.Ed.2d 577 (1996).

To ascertain the meaning of claims, the court looks to three primary sources: the claims, the specification, and the prosecution history. Markman, 52 F.3d at 979. Under the patent law, the specification must contain a written description of the invention that enables one of ordinary skill in the art to make and use the invention. A patent's claims must be read in view of the specification, of which they are a part. Markman, 52 F.3d at 979. For claim construction purposes, the description may act as a sort of dictionary, which explains the invention and may define terms used in the claims. *Id*. "One purpose for examining the specification is to determine if the patentee has limited the scope of the claims." Watts v. XL Sys., Inc., 232 F.3d 877, 882 (Fed.Cir.2000).

Nonetheless, it is the function of the claims, not the specifications, to set forth the limits of the patentee's claims. Otherwise, there would be no need for claims. SRI Int'l, v. Matsushita Elec. Corp., 775 F.2d 1107, 1121 (Fed.Cir.1985)(en banc). The patentee is free to be his own lexicographer, but any special definition given to a word must be clearly set forth in the specification. Intellicall, Inc. v. Phonometrics, 952 F.2d 1384, 1388 (Fed.Cir.1992). And, although the specifications may indicate that certain embodiments are *preferred,* particular embodiments appearing in the specification will not be read into the claims when the claim language is broader than the embodiments. Electro Med. Sys., S.A. v. Cooper Life Sciences, Inc., 34 F.3d 1048, 1054 (Fed.Cir.1994). Bearing these standards in mind, the court now turns to the patents-in-suit.

3. Patents-In-Suit

The court will address the patents in the order presented by the parties.

A. United States Patent No. 4,794,277

The invention described in the '277 Patent is an integrated circuit under-voltage lockout. TI has accused LTC of infringing claims 1, 5, 6, 7, 8, and 9 of the '277 Patent.

1. Claim 1

Claim 1 of the '277 patent recites the following:

Voltage reference apparatus for providing a regulated voltage signal and a lockout signal, comprising:

[A] means for providing a constant current including an integrated circuit having a transistor and means for indicating the saturation of said constant current integrated circuit transistor producing said lockout signal; and

[B] means for providing a reference voltage connected to receive the constant current produced by said constant current source.

There is an initial dispute between the parties over whether the preamble of the claim acts as a limitation. Thus, the court must consider whether the preamble limits the literal scope of the claim. Bell Communications Research, Inc. v. Vitalink Communications Corp., 55 F.3d 615, 620 (Fed.Cir.1995). "If the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or if the claim preamble is 'necessary to give life, meaning, and vitality' to the claim, then the preamble should be construed as an additional limitation of the claim." Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d

1298, 1305 (Fed.Cir.1999). After considering the intrinsic evidence, the court holds that, with respect to the '277 patent, the preamble to claim 1 limits the claim. *See* Hockerson-Halberstadt Inc. v. Avia Group Int'l Inc., 222 F.3d 951, 956 (Fed.Cir.2000)(holding that representations made during prosecution may limit the court's interpretation of the claim).

The prosecution history of the '277 Patent demonstrates that the applicant limited the scope of the claim. During prosecution of the '277 patent, the examiner cited prior art voltage reference circuits which did not provide both a regulated voltage and a lockout signal in a single circuit. The applicant responded by representing that "[n]ot one of the cited references discloses, or suggests or teaches a unitary, four terminal device providing both a reference voltage and a lockout signal output." Amendment dated 6/3/87, p. 8. This representation, along with the applicant's concurrent amendment to the preamble of claim 8, demonstrates that the preamble acts as a limitation to the scope of the claim. The applicant sought to narrow the claim to correspond to that being advocated to the examiner. The written description contained in the patent is consistent with the terms of the preamble, as it discloses a single, unitary circuit which provides to other circuitry both a regulated voltage and a lockout signal. As the intrinsic evidence demonstrates that the applicant amended the preamble to overcome the prior art cited by the examiner, the preamble is necessary to give life, meaning and vitality to the claim. In this case, the language of the preamble will be read to limit the claim and the language requires the circuit to be a single, unitary circuit which provides to other circuitry both a regulated voltage and a lockout signal. FN1

Having construed the preamble, the court now turns to the parties' disputes over the elements of the claim. The parties agree, as does the court, that element [A1] of the claim is drafted in means-plus-function form pursuant to 35 U.S.C. s. 112 para. 6. *Al* Site Corp. v. VSI Int'l, Inc., 174 F.3d 1308, 1318 (Fed.Cir.1999)(claims using the term "means" presumed to be drafted according to s. 112 para. 6). Under s. 112 para. 6, the court must first identify the claimed "function." Then the court must identify the corresponding structure that the specification links to the function. Medtronic v. Advanced Cardiovascular Sys., 248 F.3d 1303, 1311 (Fed.Cir.2001).

The first function at issue is "providing a constant current." The parties dispute which structure corresponds to the identified function. TI argues that the means for providing a constant current is the current mirror incorporating an output transistor in which current is mirrored. Thus, TI contends that the current mirror formed by transistors Q1, Q2 and R1 is the structure disclosed in the specifications for providing a constant current. LTC, by contrast, argues that the second transistor, Q2, is the structure for providing a constant current. LTC points to the testimony of its expert to the effect that those skilled in the art would understand that a single bipolar transistor, such as Q2, is a means for providing a constant current.

Although this is a close question, the court agrees with TI's construction. The claim language, read in conjunction with the specification, supports this result. For instance, the language of the claim requires the means to "include an integrated circuit having a transistor." This language suggests that the means itself constitutes more than just the transistor Q2. The only circuit disclosed by the '277 patent that meets this description is the current mirror circuitry that includes transistors Q1 and Q2 and resistor R1. Moreover, the '277 patent states that "[t]he reference element D1 is supplied with a constant current *through* transistor Q2 is [sic, should be as] part of a current-mirror topology *including transistor Q1 and R1,* and is generally implemented within the same integrated circuit to provide the necessary matching of the characteristics of the transistors Q1 and Q2." '277 Patent, col. 2, ll. 33-39 (emphasis added). This language suggests that although the constant current flows *through* transistor Q2, the transistor Q2 is only a part of, but not the sole means for providing the constant current. The court therefore construes element A1 to mean "a current

mirror on an integrated circuit incorporating an output transistor in which the current is mirrored and equivalents of that circuit." FN2 The structure that performs the identified function is the combination of transistors Q1 and Q2 and resistor R1.

The court recognizes that the doctrine of claim differentiation cuts against this construction. Karlin Technology, Inc. v. Surgical Dynamics, Inc., 177 F.3d 968, 72-73 (Fed.Cir.1999). This rule of construction generally requires that a court not read specific limitations contained in dependent claims into an independent claim from which they depend. *Id*. at 73 (*citing* Transmatic, Inc. v. Gulton Indus., Inc., 53 F.3d 1270, 1277 (Fed.Cir.1995)). The court's construction of element A1, in the context of this patent, effectively renders superfluous dependent claim 9, which claims "[t]he integrated circuit of claim 1, further including a current-mirror circuit including said current source." U.S. Patent No. 4,794,277 Col. 4 11. 58-59. The doctrine of claim differentiation, however, is not a hard and fast rule. Comark Communications, Inc. v. Harris Corp., 156 F.3d 1182, 1187 (Fed.Cir.1998); Autogiro Company of America v. United States, 181 Ct.Cl. 55, 384 F.2d 391, 404 (Ct.Cl.1967)("[i]f a claim will bear only one interpretation, similarity will have to be tolerated").

Element [A2] specifies a second "means" limitation. Element [A2] recites a function of "indicating the saturation of said constant current integrated circuit transistor producing said lockout signal." Here, the court agrees with LTC that the corresponding structure is integrated circuit transistor Q3 which shares the same physical base region as the current source transistor Q2 to produce the claimed lockout signal across resistor R2. The court now turns to the remainder of claim 1.

The parties and the court agree that element [B] is drafted in means-plus-function form. Element [B] recites "means for providing a reference voltage connected to receive the constant current produced by said constant current source." The recited function is "providing a reference voltage." The parties dispute the corresponding structure. TI contends that the element [B] should be construed as including circuit structures known to those in the art, including one or more components, that produce a reference voltage when supplied with the output current of the current mirror. LTC, on the other hand, contends that the means for providing a reference voltage should be limited to zener diodes and band gap reference elements because there is no disclosure of any other means for providing a reference voltage.

The language of the claims and the intrinsic evidence supports LTC's position, and the court adopts LTC's construction. The disclosure in the '277 patent refers specifically to zener diodes, band gap reference elements "or other constant voltage element known in the art." The disclosure does not refer to any other specific constant voltage elements that are known in the art and, as the court is dealing with a means-plus-function analysis, the court will limit element [B] to those means for providing a constant voltage that were set forth in the specification and equivalents thereof. Fonar Corp. v. Gen. Elec. Co., 107 F.3d 1543, 1551-52 (Fed.Cir.1997)(patentee's general reference to other potential devices for performing the claimed function, which does not identify structure to one of skill in the art, is not considered corresponding structure under s. 112 para. 6). The structure corresponding to the claimed function in element [B] are zener diodes or band gap reference elements.

2. Claim 5

Claim 5 depends from claim 1. It recites:

The voltage reference apparatus of claim 1, wherein said means for providing a constant current comprises a

current mirror, further including:

a second transistor connected to establish the magnitude of the constant current.

The court agrees with TI that the proper construction of Claim 5 is "the voltage reference apparatus of claim 1 in which the structure that provides the constant current is incorporating a current mirror having a transistor connected to establish the output current of the current mirror."

LTC argues that the requirement in claim 5 that the "means for providing a constant current" include a current mirror suggests that the corresponding "means" in claim 1 should not include the current mirror, based on claim differentiation. Claims 1 and 5 are, however, distinguished, at least in part, in that the "means" in claim 1 includes the current mirror and its equivalents, whereas the "means" in claim 5 is specified to be the current mirror. Moreover, the fact that claim 5 specifies the "means for providing a constant current comprises a current mirror" suggests that the "means for providing a constant current" in claim 1 is the current mirror and equivalents thereof.

3. Claim 6

Dependent claim 6 of the '277 patent recites:

The voltage reference apparatus of claim 1, further including: a means for receiving the lockout signal and producing a buffered lockout signal.

The court agrees with TI that Q4 is the corresponding structure to the recited function of receiving the lockout signal and producing a buffered lockout signal. The court declines to adopt LTC's invitation to limit this claim to require isolation of the source and load. Hence, the "means" in this claim is construed as transistor Q4 in the specification and equivalents thereof.

4. Claim 7

The parties are in substantial agreement as to the proper construction of claim 7. Any dispute stems from the construction of the "means" limitations of claim 1, and the court has resolved that dispute above. Claim 7 will be construed to mean that the "means for indicating" comprises a second collector region of the output transistor of the constant current source.

5. Claim 8

There are two principal disputes over the construction of claim 8. The first is whether the language "substrate of a first conductivity type" refers only to a P-type substrate. TI contends that it does, but LTC points out that the applicant did not specify whether substrate of a first conductivity type was limited to P-type substrate. After considering the language used by the patentee, the court concludes that the language "substrate of a first conductivity type" is not limited to a P-type substrate. The law is well-settled that terms used in a patent should be interpreted consistently. Throughout the specifications, the patentee repeatedly refers both to P-type and N-type conductivity materials. But when he drafted the claims, the patentee elected to use the broader terms "substrate of a first conductivity type." The patentee's selection of broader language compels the court to conclude that the term "substrate of a first conductivity type" may include either P-type or N-type conductivity materials. Moreover, the language of the claim itself is clear. "First" and "second" conductivity types simply refer to different conductivity types, without assigning specific types

to either.

The second dispute concerns element [e2]. Element [e2] recites "wherein said first collector receiving said charge emits *at least a portion* of said charge when in a saturated condition, *said portion* being received by said second collector, providing a saturation output signal therefrom indicating the condition of the second collector." The parties dispute the amount of the portion of the charge that must be received by the second collector. After considering the claims and the intrinsic evidence, the court is convinced that element [e2] requires the second collector to receive all or substantially all of that portion of the charge re-emitted by the first collector. The parties agree that the person of ordinary skill in the art would recognize that some small portion of the re-emitted charge may flow to the base. The court is persuaded that, in the real world, it is an impossibility to assume that all of the first portion of the charge would be received by the second collector; some would flow back into the base.FN3 Nevertheless, the scope of the claim will not be broadened to the extent TI suggests. The court therefore adopts the definition suggested by counsel for LTC at the *Markman* hearing: element [e2] requires the second collector to receive all of the portion of the charge emitted by the first collector except that portion which is received by the base, which is typically a small portion of the re-emitted charge.

6. Claim 9

Dependent claim 9 recites:

The integrated circuit of claim 1, further including a current-mirror circuit including said current source.

Based on the court's construction of claim 1, claim 9 is essentially redundant. The court acknowledges the decisions on claim differentiation but remains convinced that its construction of claim 1 is correct notwithstanding those decisions. Claim 9 will be construed to mean that the circuit of claim 1 also includes a current-mirror circuit that includes the current source.

B. United States Patent No. 4,471,292

The '292 patent is entitled "MOS Current Mirror With High Impedance Output." Five claims are at issue: 1, 2, 10, 11 and 13.

1. Claim 1

Claim 1 recites:

A current source circuit comprising:

field-effect transistor means for generating an output current proportional to an input current; and

means for biasing said generating means to operate in the saturated region at or near the boundary between its linear and saturated regions.

There are two principal disputes with regard to claim 1: First, LTC contends that the FET transistors must be "matched." Second, LTC contends that the term "near" as used in element B renders claim 1 indefinite to the point of invalidity.

The court construes element A not to require matched transistors. The language of the claim provides that the transistor means generates an output current proportional (rather than equal) to an input current. Nothing in the claim language or specification requires the transistors to be "matched" as LTC suggests. Moreover, LTC's expert could not provide any workable definition of the term matched, nor could he point to a definition of "matched" accepted by those skilled in the art. Therefore, the court declines to impose this limitation.

Secondly, the court rejects the argument that the term "near" is indefinite to the point of rendering the patent invalid. If one skilled in the art would understand the bounds of the claim when read in light of the specification, then the claim is not invalid for lack of definiteness. Exxon Research and Engineering Co. v. United States, 265 F.3d 1371, 1375 (Fed.Cir.2001). In this case, the court concludes that one skilled in the art, reading the patent as a whole, would interpret the element "means for biasing said generating means to operate in the saturated region at or near the boundary between its linear and saturated regions" to mean that, once biased, the generating means must operate in the saturated region at or as nearly as manufacturing tolerances will allow to the boundary between its linear and saturated regions. Whether a particular device operates at or as nearly as manufacturing tolerances will allow to the boundary between the linear and saturated regions is a question of infringement, not construction. Andrew Corp. v. Gabriel Elec., Inc., 847 F.2d 819, 822 (Fed.Cir.1988). The parties agree that the "FET means" is a current mirror. The parties also agree as what the "biasing means" is (as their proposed definitions appear to be the same). The parties do not dispute the meanings of claims 2, 10, or 11.

2. Claim 13

Claim 13 recites:

A current source circuit comprising:

a plurality of cascoded field-effect transistor devices for generating an output current proportional to an input current; and

means for biasing said cascoded devices to produce an output voltage less than the threshold voltage of said cascoded devices.

The court construes element A to mean that there must be at least two cascoded field-effect devices connected together in parallel. A cascoded field-effect device is a pair of MOS transistors, one stacked on the other.

Element B is drafted in means-plus-function form. At the hearing, the parties agreed that the only figure disclosed in the '292 Patent that depicts a plurality of cascoded field-effect transistor devices is Figure 1. Accordingly, the court construes element B, "means for biasing said cascoded devices" as limited to the biasing structure disclosed in Figure 1 and equivalents thereof. The biasing structure in Figure 1 includes transistors M1, M5, and M7, connected as shown.

C. United States Patent No. 5,390,069

The '069 patent is titled "Short Circuit Limit Circuit With Temperature-Dependent Current Limit." Only claim 1 is at issue. Claim 1 recites:

A current limit circuit, comprising:

an output transistor having a current path connected to a first output node;

a sensing circuit connected to said output transistor for producing a current that is proportional to the current in the current path of the output transistor;

a current reference circuit for producing a reference current, said reference current being a function of temperature;

a comparator having a first input for receiving said reference current, and a comparator output, said comparator comparing said current produced by said sensing circuit with said reference current to produce a control signal at said comparator output; and

a control circuit connected to a control electrode of said output transistor and responsive to said control signal for controlling a voltage at the control electrode of said output transistor to limit current through said current path of said output transistor.

The parties initially dispute whether the preamble language "a current limit circuit" limits the claims. The court holds that the language is merely descriptive of the invention and imposes no limitations on the claim.

Second, the parties dispute the meaning of the term "connected." TI contends that "connected" means "directly connected." LTC argues that the term "connected" means "electrically connected either directly or through intervening components."

The intrinsic evidence supports LTC's view. In the description, the patent states that "[t]he emitters of transistor Q13 and Q14 are *connected to ground though* resistors R12 and R13, respectively." '069 Patent, Col. 1, ll 58-60. This language suggests that the applicant intended that the term "connected" included both direct and indirect connections. Although the description elsewhere uses the term "coupled," Col. 1, ll. 49-50, construction of the term "connected" as used in the claims to be consistent with its use in the description is appropriate. The court is convinced that one skilled in the art would understand the word "connected" as used in the claims to include both direct connections and connections through intervening components. This determination resolves the differences between the parties as to elements [a] and [b].

As to element [c], the parties dispute the meaning of the element "a current reference circuit for producing a reference current, said reference current being *a function* of temperature." TI asserts that the reference current must decrease as a function of temperature. LTC contends that the reference current can vary in any fashion as a function of temperature. The court, again, agrees with LTC that the language of the claim is not so narrow as TI suggests. Although TI supports its argument by pointing to one specific embodiment of the invention, neither the claim language nor any language in the description or the prosecution history compels the court to adopt the limitation advocated by TI. Accordingly, the court construes the terms "said reference current being a function of temperature" to mean that the reference current can vary in any fashion as a function of temperature.

With respect to element [d], the court adopts TI's definition, with a slight modification. The claimed comparator structure is a circuit for comparing a sense current to a reference current and generating an output control signal. The court declines to limit the output control signal to those signals that vary as a

function of the reference current.

As to element [e], LTC asserts that the element is written in means-plus-function format and, as such, the corresponding structure should be limited to that disclosed in the specification. Specifically, LTC asserts that the control circuit should be limited to a pair of transistors that are arranged in Darlington configuration. The court disagrees. The element does not invoke the word means; therefore, there is a presumption that the element is not written in means-plus-function form. The court is not persuaded that the language of the claim when read in light of the specifications and description is sufficient to overcome that presumption. Therefore, the court agrees with TI's proposed construction that this element covers a circuit connected to a control electrode (e.g., a gate or base electrode) of the output transistor and responsive to the output control signal to control a voltage at the control electrode to limit current in the output transistor.

D. United States Patent No. 4,893,091

The '091 patent is entitled "Complementary Current Mirror for Correcting Input Offset Voltage of Diamond Follower, Especially As Input Stage for Wide-Band Amplifier." TI has asserted claims 4, 5 and 7 of the '091 patent.

1. Claim 4.

Claim 4 of the '091 patent reads as follows:

A zero offset amplifier, comprising in combination:

(a) first and second differential input terminals;

(b) first and second bias input terminals;

(c) first and second differential output terminals;

(d) a PNP first transistor having an emitter coupled to the first bias input terminal, a collector coupled to a first supply voltage conductor, and a base coupled to the first differential input terminal;

(e) an NPN second transistor having an emitter coupled to the second bias input terminal, a collector coupled to a second supply voltage conductor, and a base coupled to the first differential input terminal;

(f) an NPN third transistor having a base coupled to the first bias input terminal, an emitter coupled to the second differential input terminal, and a collector coupled to the first differential output terminal;

(g) a PNP fourth transistor having a base coupled to the second bias input terminal, an emitter coupled to the second differential input terminal, and a collector coupled to the second differential output terminal;

(h) a bias current control circuit having a bias current sink terminal and a bias current source terminal;

(i) a first complementary current mirror including

i. an NPN fifth transistor having a collector and base coupled to the second supply voltage conductor and an emitter coupled to the bias current sink terminal,

ii. a PNP sixth transistor having an emitter coupled to the second supply voltage conductor, a base coupled to the bias current sink terminal, and a collector coupled to the first bias input terminal, the NPN fifth transistor and the PNP sixth transistor coacting to produce a first bias current that compensates the PNP first transistor for any difference in the normalized saturation currents of the PNP first transistor and the NPN third transistor;

(j) a second complementary current mirror including

i. a PNP seventh transistor having a base and collector coupled to the first supply voltage conductor and an emitter coupled to the bias source terminal,

ii. an NPN eighth transistor having an emitter coupled to the first supply voltage conductor, a base coupled to the bias current source terminal, and a collector coupled to the second bias input terminal, the PNP seventh transistor and the NPN eighth transistor coacting to produce a second bias current that compensates the NPN second transistor for any difference in the normalized saturation currents of the NPN second transistor and the PNP fourth transistor.

Common terms pervade the construction disputes over claim 4. First, the parties dispute the meaning of the term "coupled." TI contends that "coupled" should be construed as "electrically connected, either directly or indirectly through intervening components." LTC asserts that any intervening components should have been expressly spelled out in a definition. According to LTC, to adopt TI's argument would expand the scope of "coupled" to include anything in the circuit.

The court appreciates LTC's concern; however, those skilled in the art would recognize coupled to be defined as TI proposes. Therefore, the court adopts that definition. To be sure, there may be a boundary beyond which a conclusion that two given elements in a circuit are "coupled" becomes unreasonable. The court will address such issues when and if they develop. For present purposes, however, the term "coupled" means that the elements are electrically connected, either directly or indirectly through intervening components.

There is also a dispute over the terms "terminal" and "conductor." The court concludes that a "conductor" is a wire or other material available for carrying a current or transmitting voltage. A terminal is a specific type of conductor that defines a point of connection to other internal or external circuitry.

Lastly, the parties dispute what is meant by the term "differential output terminal." LTC argues that the term "differential output terminal" has a well-understood meaning to those skilled in the art. Mr. Blauschild, illustrating that definition, explained why if one uses a differential output terminal, the circuit disclosed in the '091 patent would not work the way TI suggests that it works.

A patentee may act as his own lexicographer. Intellicall, 952 F.2d at 1388. That is what TI has done in this case. Here, despite the definition of "differential output terminal" to those skilled in the art, the claim and specification, taken together, make it clear that TI is referring to Figure 3, terminals 6A and 8A as "differential output terminals." Therefore, the court adopts that construction, despite the fact that it is at odds with what is known in the art. The differential output terminal contained in the '091 patent are those terminals shown in Figure 3, as 6A and 8A.

TI acted as its own lexicographer in adopting a definition at odds with what one skilled in the art would understand. Having done so, the court believes it to be self-evident that claim 4 would not read on a device which included "differential output terminals" as understood by one skilled in the art. FN4 Nor would evidence of such be admissible. To hold otherwise would allow a patentee to define a triangle as a four-sided figure and later claim that his patent reads on a yield sign. The law does not allow this. *See* W.L. Gore & Assocs., Inc. v. Garlock, Inc., 842 F.2d 1275, 1279 (Fed.Cir.1988)(claims should be construed consistently throughout litigation); Arshal v. United States, 223 Ct.Cl. 179, 621 F.2d 421, 428 (Ct.Cl.1980)(claims must be interpreted consistently, and a patentee may not adopt a broad definition for purposes of infringement, then seek a narrow definition when faced with validity challenge).

Although claims 5 and 7 are also at issue, the court's resolution of the meaning of the term "coupled" resolves the parties' disagreements as to claim 5. The court is of the opinion that the remaining terms need not be construed.

So **ORDERED.**

FN1. For much the same reasons, the court rejects LTC's argument that the preamble imposes two additional restrictions. LTC argues that the preamble requires (1) the regulated voltage to be a constant, fixed output voltage which is provided to and used by other portions of an integrated circuit to which the voltage signal is connected and (2) the lockout signal to be a signal that is a true indication of the point when the regulated or reference voltage has become insufficient. Neither the language of the preamble nor the prosecution history compels the court to read into the claim these additional limitations.

FN2. 35 U.S.C. s. 112 para. 6 provides that an element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

FN3. The court, by this construction, rejects LTC's argument made in its brief that the patent essentially claims an impossibility and is invalid. The court's construction is based on its determination of what one skilled in the art would interpret the claim to mean.

FN4. The court rejects Dr. Fair's suggestion that the use of the term "differential output terminal" is consistent with its use by those of ordinary skill in the art.

E.D.Tex.,2002.
Texas Instruments Inc. v. Linear Technology Corp.