United States District Court,
S.D. California.

**QUALCOMM INCORPORATED,**
Plaintiff.
v.
**MAXIM INTEGRATED PRODUCTS, INC,**
Defendant.

No. 02CV2429-B(JFS)

**Dec. 2, 2004.**

**ORDER CONSTRUING CLAIMS FOR** UNITED STATES PATENT NUMBER 5,732,341

BREWSTER**, Senior District Judge.**

Plaintiff, Qualcomm, Inc. has brought suit against Defendant, Maxim Integrated Products, Inc. for infringement of United States Patent number 5,732,341 (the "'341 Patent"). Pursuant to Markman v. Westview Instruments, 52 F.3d 967 (Fed.Cir.1995), the Court conducted a hearing on August 16-19 and October 4-7 and 13-14, 2004 to construe the disputed claim terms of the'341 Patent. FN1 At the hearing, Qualcomm was represented by the law firm of Day, Casebeer, Madrid & Batchelder, and Maxim was represented by the firm of Perkins, Coie, Brown & Bain.

FN1. The disputed claims of the '341 Patent are claims 1, 6-8 and 19.

The Court, with the assistance of the parties, interpreted the pertinent terms for all claim terms at issue in the '341 Patent. Additionally, a "Glossary" was prepared for terms found in the '341 Patent, that were considered to be technical in nature and which a jury of laypersons might not understand without a specific definition. As the case advances, the parties may request additional terms to be added to the glossary as may seem helpful to the jury.

After careful consideration of the parties' arguments and the applicable law, the Court **HEREBY CONSTRUES** all disputed claim terms in the '341 Patent, attached as Exhibit A. 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 5,732,341-CLAIM CHART***

| **VERBATIM CLAIM LANGUAGE** | **COURT'S CLAIM CONSTRUCTION** |
|---|---|
| **Claim 1** | **Claim 1** |
| A method for circuit gain adjustment, the circuit having a signal with power, the method comprising the steps of: | A method for circuit **gain [the ratio of output signal power to input signal power]** adjustment, the circuit having **a signal [information, including interference, that can be transmitted or received within a circuit]** with power, the method comprising the steps of: |

| | |
|---|---|
| varying the circuit gain a predetermined amount; | **varying [changing, either by increasing or decreasing]** the circuit gain a predetermined amount; |
| determining a magnitude of a change in the power of the signal in response to the varying of the circuit gain; and | determining a **magnitude [size]** of a change in the power of the signal in response to the varying of the circuit gain; and |
| adjusting the circuit gain in response to the magnitude of the change in the power of the signal, the step of adjusting comprising the steps of: | adjusting the circuit gain in response to the magnitude of the change in the power of the signal, the step of adjusting **comprising [including at least, but not limited to]** the steps of: |
| decreasing the circuit gain when the magnitude of the change in the power of the signal is greater than a predetermined threshold; and | decreasing the circuit gain **when [just after the moment that]** the magnitude of the change in the power of the signal is greater than a predetermined **threshold [level];** and |
| increasing the circuit gain when the magnitude of the change in the power of the signal is less than or equal to the predetermined threshold. | increasing the circuit gain **when [just after the moment that]** the magnitude of the change in the power of the signal is less than or equal to the predetermined threshold. |

| **Claim 3** | **Claim 3** |
|---|---|
| A method for adjusting the power of a received signal having a plurality of frames in a circuit having a variable gain, the method comprising the steps of: | A method for adjusting the power of a **received signal [a signal that is received by a device]** having a plurality of **frames [blocks of information]** in a circuit having a variable gain, the method comprising the steps of: |
| receiving the received signal at a radio frequency; | receiving the received signal at a **radio frequency [frequency above intermediate frequency useful for radio transmission];** |
| converting the received signal from the radio frequency to an intermediate frequency; | converting the received signal from the radio frequency to an **intermediate frequency [a frequency, above baseband frequency, to which a radio frequency is down converted as an intermediate step during signal processing];** |
| filtering the received signal; | **filtering the received signal [eliminating portions of the received signal so that desired frequencies are passed through and other frequencies are suppressed];** |
| varying the gain of the circuit by a predetermined amount; | **varying [changing, either by increasing or decreasing]** the gain of the circuit by a predetermined amount; |
| determining a magnitude of a change in the power of the received signal in response to varying the gain; and | determining a **magnitude [size]** of a change in the power of the received signal in response to varying the gain; and |
| adjusting the gain of the circuit in response to the magnitude of the change in the power of the received signal, said step of adjusting comprising the steps of: | adjusting the gain of the circuit in response to the magnitude of the change in the power of the received signal, said step of adjusting comprising the steps of: |
| decreasing the gain of the circuit when the magnitude of the change in the power of the received signal is greater than a predetermined threshold; and | decreasing the gain of the circuit **when [just after the moment that]** the magnitude of the change in the power of the received signal is greater than a predetermined **threshold [level];** and |
| increasing the gain of the circuit when the magnitude of the change in the power of the received signal is less than or equal to the predetermined threshold. | increasing the gain of the circuit **when [just after the moment that]** the magnitude of the change in the power of the received signal is less than or equal to the predetermined threshold. |

| Claim 6 | Claim 6 |
|---|---|
| The method of claim 3 wherein said step of determining a magnitude of a change in the power of the received signal is performed after said step of converting the received signal from the radio frequency to an intermediate frequency. | The method of claim 3 wherein said step of determining a magnitude of a change in the power of the received signal is performed after said step of converting the received signal from the radio frequency to an **intermediate frequency [a frequency, above baseband frequency, to which a radio frequency, is down converted as an intermediate step during signal processing].** |
| **Claim 7** | **Claim 7** |
| The method of claim 3 wherein said step of determining a magnitude of a change in the power of the received signal is performed after said step of filtering the received signal. | The method of claim 3 wherein said step of determining a magnitude of a change in the power of the received signal is performed after said step of filtering the received signal, |
| **Claim 8** | **Claim 8** |
| The method of claim 3 further comprising the step of repeating said varying, determining, and adjusting steps at a predetermined rate. | The method of claim 3 further comprising the step of repeating said varying, determining, and adjusting steps at a predetermined rate. |
| **Claim 19** | **Claim 19** |
| An apparatus for increasing immunity of a radiotelephone to radio frequency interference, comprising: | An apparatus for increasing immunity of a radiotelephone to radio frequency interference, comprising: |
| an antenna for receiving radio signals; | an antenna for receiving radio signals; |
| a variable gain receive amplifier for amplifying said received signals; | a **variable gain receive amplifier [a unidirectional device that is capable of enlarging the waveform supplied to it, where the gain can be changed over a range, either continuously or in incremental steps, in a receiver]** for amplifying said received signals; |
| a gain controller for varying a received power level of said received signals by a predetermined amount by adjusting a gain of said variable gain receive amplifier; and | a **gain controller [a device capable of being used for regulating the gain of another device]** for varying a received power level of **said received signals [signals received by the antenna] by a predetermined amount [amount determined beforehand]** by adjusting a gain of said variable gain receive amplifier; and |
| a receive power detector for detecting a magnitude of a change in said received power level of said received signals in response to said gain adjustment; | a receive **power detector [a device capable of measuring power]** for detecting a **magnitude [size]** of a change in said received power level of said received signals in response to said gain adjustment; |
| wherein said gain controller adjusts said gain of said variable gain receive amplifier in response to said magnitude of said change in said received power level, said gain controller decreasing said gain of said variable gain receive amplifier when said change in said received power level is greater than a predetermined threshold, and said gain controller increasing said gain of said variable gain receive amplifier when said change in said received power level is less than or equal to said predetermined threshold. | wherein said gain controller adjusts said gain of said variable gain receive amplifier in response to said magnitude of said change in said received power level, said gain controller decreasing said gain of said variable gain receive amplifier **when [just after the moment that]** said change in said received power level is greater than a predetermined **threshold [level],** and said gain controller increasing said gain of said variable gain receive amplifier **when [just after the moment that]** said change in said received power level is less than or equal to said predetermined **threshold [level].** |

| Term | ***Definition*** |
|---|---|
| Comprising | Including at least, but not limited to |
| Detector | A device capable of measuring power |
| Filtering the received signal | Eliminating portions of the received signal so that desired frequencies are passed through and other frequencies are suppressed |
| Frames | Blocks of information |
| Gain | The ratio of output signal power to input signal power |
| Gain controller | A device capable of being used for regulating the gain of another device |
| Intermediate frequency | A frequency, above baseband frequency, to which a radio frequency is down converted as an intermediate step during signal processing |
| Magnitude | Size |
| Power detector | A device capable of measuring power |
| Predetermined amount | Amount determined beforehand |
| Radio frequency | Frequency above intermediate frequency useful for radio transmission |
| Received signal | A signal that is received by a device |
| Said received signals * | Signals received by the antenna ( * for **Claim 19** only) |
| Signal | Information, including interference, that can be transmitted or received within a circuit |
| Threshold | Level |
| Variable gain amplifier | A unidirectional device that is capable of enlarging the waveform supplied to it, where the enlargement can be changed over a range, either continuously or in incremental steps |
| Variable gain receive amplifier | A unidirectional device that is capable of enlarging the waveform supplied to it, where the gain can be changed over a range, either continuously or in incremental steps, in a receiver |
| Varying | Changing, either by increasing or decreasing |
| When | Just after the moment that |

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