United States District Court,
S.D. California.

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

No. 02CV2429-B(JFS)

Dec. 2, 2004.

Daniel J. Krueger, Conley Rose, Houston, TX, James R. Batchelder, Day Casebeer Madrid and Batchelder, Cupertino, CA, for Plaintiff.

Barbara A. Bailey, Chad S. Campbell, Charles A. Blanchard, Jerod E. Tufte, Michael F. Bailey, Perkins Coie Brown and Bain, Phoenix, AZ, Mark C. Mazzarella, Mazzarella Caldarelli, San Diego, CA, for Defendant.

ORDER CONSTRUING CLAIMS FOR UNITED STATES PATENT NUMBER 5,452,473

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

Plaintiff, Qualcomm, Inc. has brought suit against Defendant, Maxim Integrated Products, Inc., for infringement of United States Patent number 5,452,473 (the "'473 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 '473 Patent are claims 3 and 4.

The Court, with the assistance of the parties, interpreted the pertinent terms for all claim terms at issue in the '473 Patent, Additionally, a "Glossary" was prepared for terms found in the '473 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 '473 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 5,452,473-CLAIM CHART

VERBATIM CLAIM LANGUAGE	COURT'S CLAIM CONSTRUCTION
Claim 3	**Claim 3**
A radio performing transmit power calibration, the radio transmitting and receiving signals having a plurality of frequencies, each frequency having a frequency index, the radio transmitting signals through a variable gain, transmit amplifier having a control input and receiving signals through a variable gain, receive amplifier having a control input, the radio comprising:	**A radio [transmitter, receiver, or transceiver used for communication via electromagnetic waves]** performing transmit power calibration, the radio transmitting and receiving signals having a plurality of frequencies, each frequency having a frequency index, the radio transmitting signals through a variable gain, **transmit amplifier [amplifier whose gain can be changed in a transmitter]** having a control input and receiving signals through a variable gain, **receive amplifier [amplifier whose gain can be changed in a receiver]** having a control input, the radio comprising:
a power detector, coupled to the receive amplifier, for generating a first power value from a received signal having a first frequency;	a **power detector [a device capable of measuring power], coupled to [associated in such a way that power or signal information may be transferred from one to another]** the receive amplifier, for generating a first power value from a received signal having a first frequency;
an integrator, coupled to the power detector, for generating an automatic gain control setpoint from the first power value;	an **integrator [a device which generates a sum (over time) of an input],** coupled to the power detector, for generating an **automatic gain control setpoint [the setpoint generated by a control circuit that is used for automatically changing the gain of a receiver or transmitter]** from the first power value;
a receive linearizer, coupled to the integrator and the receive amplifier, for generating a receive calibration value in response to the automatic gain control setpoint and a first frequency index corresponding to the first frequency, the receive calibration value being coupled to the receive amplifier control input for adjusting the gain of the receive amplifier;	a receive **linearizer [a device that supplies correction values used for making outputs approximately linear functions of inputs],** coupled to the integrator and the receive amplifier, for generating a receive calibration value in response to the **automatic gain control setpoint [the setpoint generated by a control circuit that is used for automatically changing the gain of a receiver or transmitter]** and a first **frequency index [a value specifying the center frequencies on which receiver or transmitter is operating at a given moment]** corresponding to the first frequency, the receive **calibration value [a corrected gain control setting]** being coupled to the receive amplifier control input for adjusting the gain of the receive amplifier;
second power detector, coupled to the transmit amplifier, for generating a second power value from a transmitted signal having a second frequency; and	second power detector, coupled to the transmit amplifier, for generating a second power value from a **transmitted signal [a signal that is transmitted by a device]** having a second frequency; and

a transmit linearizer for generating a transmit calibration value in response to the automatic gain control setpoint, the second power value, and a frequency index corresponding to the second frequency, the transmit calibration value being coupled to the control input of the transmit amplifier for adjusting the gain of the transmit amplifier.	a transmit linearizer for generating a transmit **calibration value [a corrected gain control setting] in response to the automatic gain control setpoint [the setpoint generated by a control circuit that is used for automatically changing the gain of a receiver or transmitter],** the second power value, and a **frequency index [a value specifying the center frequencies on which receiver or transmitter is operating at a given moment]** *corresponding* to the second *frequency,* the transmit calibration value being coupled to the control input of the transmit amplifier for adjusting the gain of the transmit amplifier.
Claim 4	**Claim 4**
A radio performing transmit power calibration, the radio transmitting and receiving signals having a plurality of frequencies, each frequency having a frequency index, the radio transmitting a signal, having a first frequency, through a variable gain transmit amplifier having a control input and receiving a signal, having a second frequency, through a variable gain receive amplifier having a control input, the radio comprising:	A **radio [transmitter, receiver, or transceiver used for communication via electromagnetic waves]** performing transmit power calibration, the radio transmitting and receiving signals having a plurality of frequencies, each frequency having a frequency index, the radio transmitting a signal, having a first frequency, through a **variable gain transmit 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 in a transmitter]** having a control input and receiving a signal, having a second frequency, through a **variable gain receive 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 in a receiver]** having a control input, the radio comprising:
a first analog to digital converter, coupled to the receive amplifier, for generating a digital signal from the received signal;	a first **analog to digital converter [a device that converts an analog signal into a digital signal],** coupled to the receive amplifier, for generating a digital signal from the received signal;
a power detector, coupled to the first analog to digital converter, for generating a power value from the digital signal;	a power detector, coupled to the first analog to digital converter, for generating a power value from the digital signal;
an integrator, coupled to the power detector, for generating an automatic gain control setpoint from the power value;	an integrator, coupled to the power detector, for generating an automatic gain control setpoint from the power value;
a receive linearizer, coupled to the integrator, for generating a receive calibration value in response to the automatic gain control set point and a first frequency index corresponding to the second frequency;	a receive linearizer, coupled to the integrator, for generating a receive calibration value in response to the automatic gain control set point and a first frequency index corresponding to the second frequency;
a first digital to analog converter, coupled to the receive linearizer,	a first **digital to analog converter [a device that converts a digital signal to an analog signal],** coupled to the receive linearizer, for

for generating an analog, receive calibration value from the receive calibration value, the analog calibration value coupled to the receive amplifier control input for varying the gain of the receive amplifier;	generating an analog, receive calibration value from the receive calibration value, the analog calibration value coupled to the receive amplifier control input for varying the gain of the receive amplifier;
a second power detector, coupled to the transmit amplifier, for generating an analog power value from the transmitted signal;	a second power detector, coupled to the transmit amplifier, for generating an analog power value from the transmitted signal;
a second analog to digital converter, coupled to the second power detector, for generating a digital power value from the analog power value;	a second analog to digital converter, coupled to the second power detector, for generating a digital power value from the analog power value;
a transmit linearizer, coupled to the integrator, for generating a transmit calibration value in response to the automatic gain control setpoint, the digital power value, and a second frequency index corresponding to the first frequency; and	a transmit linearizer, coupled to the integrator, for generating a transmit calibration value in response to the automatic gain control setpoint, the digital power value, and a second frequency index corresponding to the first frequency; and
a second digital to analog converter, coupled to the second control input, for generating an analog, transmit calibration value from the transmit calibration value, the analog, transmit calibration value adjusting the gain of the transmit amplifier.	a second digital to analog converter, coupled to the second control input, for generating an analog, transmit calibration value from the transmit calibration value, the analog, transmit calibration value adjusting the gain of the transmit amplifier.

EXHIBIT B-GLOSSARY RE: UNITED STATES PATENT NUMBER 5,732,473

TERM	DEFINITION
Analog to digital converter	A device that converts an analog signal into a digital signal
Automatic gain control setpoint	The setpoint generated by a control circuit that is used for automatically changing the gain of a receiver or transmitter
Calibration value	A corrected gain control setting
Coupled to	Associated in such a way that power or signal information may be transferred from one to another
Digital to analog converter	A device that converts a digital signal to an analog signal
Frequency index	A value specifying the center frequencies on which receiver or transmitter is operating at a

	given moment
Integrator	A device which generates a sum (over time) of an input
Linearizer	A device that supplies correction values used for making outputs approximately linear functions of inputs
Power detector	A device capable of measuring power
Radio	A transmitter, receiver, or transceiver used for communication via electromagnetic waves
Receive amplifier	Amplifier whose gain can be changed in a receiver
Transmit amplifier	Amplifier whose gain can be changed in a transmitter
Transmitted signal	A signal that is transmitted by a device
Variable gain receive amplifier	A unidirectional device that is capable of enlarging the waveform supplied to it, where the enlargment can be changed over a range, either continuously or in incremental steps in a receiver
Variable gain transmit amplifier	A unidirectional device that is capable of enlarging the waveform supplied to it, where the enlargment can be changed over a range, either continuously or in incremental steps in a transmitter

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