

United States District Court,
S.D. California.

LUCENT TECHNOLOGIES, INC,
Plaintiff.

v.

GATEWAY, INC and Gateway Country Stores LLC; Microsoft Corp.; and Dell, Inc,
Defendants.

Nos. 02CV2060-B (WMc), 03CV0699-B (WMc), 03CV1108-B (WMc)

Aug. 16, 2005.

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**SUPERCEDING ORDER CONSTRUING CLAIMS FOR UNITED STATES PATENT NUMBER
4,383,272**

RUDI M. BREWSTER, Senior District Judge.

On December 6, 2004, the Court issued an order construing Claims 13 and 22 of U.S. Patent Number 4,383,272 ("the '272 Patent") in the above titled cases for patent infringement. FN1 On March 7, 2005, the parties in the cases notified the Court of slight discrepancies between the Court's ruling during the claim construction hearing and the order issued on December 6. After reviewing the parties' filing and the claim construction order the Court **HEREBY ISSUES** this SUPERCEDING claim construction order 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.

FN1. Lucent originally filed two separate patent infringement actions, one against Defendant Gateway (02CV2060), and a second against Defendant Dell (03CV1108). Microsoft intervened in the action filed by

Lucent against Gateway. Microsoft also filed a declaratory judgment action against Lucent (03CV0699) and Lucent filed counterclaims for patent infringement against Microsoft in that action. On July 7, 2003, the Court entered an order consolidating these three cases. There are a total of 15 different patents involved in these three cases collectively.

IT IS SO ORDERED

EXHIBIT A

UNITED STATES PATENT NUMBER 4,383,272

<i>VERBATIM CLAIM LANGUAGE</i>	<i>COURT'S CLAIM CONSTRUCTION</i>
CLAIM 13	CLAIM 13
<p>A method of estimating the intensities of elements (pels) in a picture in accordance with information defining intensities of pels in preceding and succeeding versions of the picture including the step of</p>	<p>A method of estimating [determining roughly the size, extent, or nature of] the intensities of elements (pels) [picture elements, also referred to as pixels] in a picture [an image that occupies a frame] in accordance with information defining intensities [values describing the different color components of a composite signal or combinations thereof] of pels in preceding and succeeding versions of the picture including the step of</p>
<p>determining by interpolation intensities of pels in said picture in accordance with intensities of pels in related locations in said preceding and succeeding versions,</p>	<p>determining by interpolation intensities of pels in said picture in accordance with intensities of pels in related locations [locations at which the same object is expected to be] in said preceding and succeeding versions,</p>
	<p><i>Construing the whole clause:</i></p>
	<p>[determining by intensity of pels in the picture by averaging the intensities of pels in related locations (locations at which the same object is expected to be) in the preceding and succeeding versions],</p>
<p>characterized in that said determining step includes selecting said related locations as a function of the displacement of objects in said picture.</p>	<p>characterized in that said determining step includes selecting said related locations as a function of the displacement of objects in said picture [the change of position of objects between said versions of the picture].</p>
Claim 22	Claim 22

A method of reducing the bandwidth needed to transmit a video signal representing a sequence of pictures by encoding the intensity values of pels in ones of said pictures in said sequence and reconstructing missing pictures using information

A method of reducing the **bandwidth [the amount of data that can be passed along a communications channel in a given period of time]** needed to transmit a video signal representing a sequence of **pictures [each picture is an image that occupies a frame]** by encoding the **intensity values [values describing the different color components of a composite signal or combinations thereof]** of **pels [picture elements, also referred to as pixels]** in ones of said pictures in said sequence and reconstructing **missing pictures [non-transmitted pictures]** using information from **encoded pictures [pictures that have been changed to another form of**

from encoded pictures,
including:

representation], including:

Construing the whole clause:

	<p>[A method of reducing the bandwidth needed to transmit a video signal that represents a sequence of pictures (each picture is an image that occupies a frame) by: (1) encoding the intensity values of pels in ones of the pictures in the sequence; and (2) reconstructing missing pictures (non-transmitted pictures) using information from encoded pictures], including:</p>
<p>computing the intensity of pels in a missing picture by interpolating the intensity of pels in corresponding locations in the encoded ones of said pictures which precede and follow said missing picture, and</p>	<p>computing the intensity of pels in a missing picture by interpolating the intensity of pels in corresponding locations [locations at which the same object is expected to be] in the encoded ones of said pictures which precede and follow said missing picture, and</p>

selecting said corresponding locations as a function of the displacement of objects in said picture between said preceding and following pictures.

selecting said corresponding locations as a function of the displacement of objects in said picture between said preceding and following pictures.

Construing the whole clause:

[determining the intensity of pels in the missing picture by averaging the intensities of pels in corresponding locations in the encoded preceding and following pictures].

EXHIBIT B

GLOSSARY FOR UNITED STATES PATENT NUMBER 4,383,272

TERM	DEFINITION
Bandwidth	The amount of data that can be passed along a communications channel in a given period of time
Corresponding locations	Locations at which the same object is expected to be
Displacement	Change of position
Encoded pictures	Pictures that have been changed to another form of representation
Estimating	Determining roughly the size, extent, or nature of
Intensities	Values describing the different color components of a composite signal or combinations thereof
Intensity values	Values describing the different color components of a composite signal or combinations thereof
Missing pictures	Non-transmitted pictures
Pels	Picture elements, also referred to as pixels
Picture	An image that occupies a frame

Related locations Locations at which the same object is expected to be

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