

United States District Court,
S.D. California.

HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P.,
Plaintiff.

v.

GATEWAY, INC,
Defendant.

Gateway, Inc,
Counterclaim-Plaintiff.

v.

Hewlett-Packard Development Company, L.P., Hewlett-Packard Company and Compaq Information Technologies Group, L.P,
Counterclaim-Defendants.

Civil No. 04CV0613-B (LSP)

Sept. 7, 2005.

John Allcock, DLA Piper US, San Diego, CA, for Plaintiff/Counterclaim-Defendants.

Darryl J. Adams, Dean M. Munyon, James D. Smith, Wayne Harding, Dewey Ballantine, Austin, TX, Jonathan D. Baker, Dechert LLP, Mountain View, CA, W. Bryan Farney, Dechert LLP, Austin, TX, for Defendant.

CLAIM CONSTRUCTION ORDER FOR UNITED STATES PATENT NUMBER 6,305,805

RUDI M. BREWSTER, District Judge.

Pursuant to *Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 116 S.Ct. 1384, 134 L.Ed.2d 577 (1996), on August 15-18, 2005, the Court conducted a Markman hearing in the above-titled patent infringement action regarding construction of the disputed claim terms for U.S. Patent Number 6,305,805 ("the '805 patent"). Plaintiff Hewlett-Packard Development Company, L.P. ("HP") was represented by the law firm of DLA Piper Rudnick Gray Cary U.S. LLP, and Defendant Gateway, Inc. ("Gateway") was represented by the law firm Dewey Ballantine LLP.

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 '805 patent. Additionally, the Court prepared a case glossary for terms found in the claims and the specification for the '805 patent considered to be technical in nature which a jury of laypersons might not understand clearly without specific definition.

After careful consideration of the parties' arguments and the applicable statutes and case law, the Court **HEREBY CONSTRUES the claims in dispute in the '805 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

UNITED STATES PATENT NUMBER 6,305,805-CLAIM CHART

VERBATIM CLAIM LANGUAGE	COURT'S CLAIM CONSTRUCTION
Claim 1	
A presentation system comprising:	A presentation system comprising:
at least one processor;	at least one processor;
memory operably associated with said processor;	memory operably associated with said processor;
at least one output port operably associated with said processor and said memory and configured to output an image storable in said memory,	at least one <i>output port</i> [<i>a place of access to data output from a device</i>] operably associated with said processor and said memory and configured to output an image storable in said memory,
the image comprising a number of pixels arranged in a number of rows and a number of columns; and	the image comprising a number of <i>pixels</i> [<i>the smallest elements that display or print hardware and software can manipulate in creating letters, numbers or graphics; "pixel," short for picture ("pix") element, can refer to an element on a display screen, or data in memory corresponding to a display element</i>] arranged in a number of rows and a number of columns; and
a program of instructions configured to be executed by said processor and stored in said memory, said program including instructions for obtaining a number <i>p</i> of pixels not rendered in at least one of a given row and a given column of the image output by said output port from at least one of a corresponding row and a corresponding column of the image stored in memory and further including selecting <i>p</i> pixels from at least one of the given row and the given column of the image stored in memory not to be rendered in the at least one of the corresponding row and the corresponding column of the image output by said output port.	a <i>program of instructions</i> [<i>a sequence of instructions that can be executed by a computer</i>] configured to be executed by said processor and stored in said memory, said program including instructions for obtaining a number <i>p</i> of pixels a certain number of pixels, including zero] not rendered [not used in the displayed image] in at least one of a given row and a given column of the image output by said output port from at least one of a corresponding row and a corresponding column of the image stored in memory [<i>in at least one of a given row and a given column of the image output by said output port, obtaining a number <i>p</i> of pixels not rendered from the corresponding row and column of the image stored in memory</i>] and further including selecting <i>p</i> pixels from at least one of the given row and the given column of the image stored in memory not to be rendered in the at least one of the corresponding row and the corresponding column of the image output by said output port [<i>from at least one of the given row and the given column of the image stored in memory, selecting <i>p</i> pixels not to be rendered in the corresponding row and column of the image output by said output port</i>].
Claim 5	
A presentation system as in claim 1 wherein, in said program of	A presentation system as in claim 1 wherein, in said program of instructions, means for selecting <i>p</i> pixels not rendered comprises

instructions, said means for selecting p pixels not rendered comprises selecting pixels at random from at least one of the row and the column of the image stored in memory.

selecting pixels at random from at least one of the row and the column of the image stored in memory.

Means-plus-function claim:

The function of this limitation is: *to select p pixels not rendered comprising selecting pixels at random from at least one of the row and the column of the image stored in memory.*

	The structure disclosed to perform this function is: <i>col. 5, ll. 33-35</i> (sentence ending with "dithering"); <i>col. 5, ll. 38-40</i> (sentence commencing with "Other ...").
Claim 6	
A presentation system as in claim 1 wherein said program of instructions further includes instructions for input of at least one of upward/downward projection angle and right/left projection angle and wherein the number p of pixels not rendered in at least one of the given row and the given column of the image output by said output port is derived from said input.	A presentation system as in claim 1 wherein said program of instructions further includes instructions for <i>input [directly or incrementally]</i> of at least one of <i>upward/downward projection angle [the angle formed by the center axis of the projection beam and the surface of the screen in the vertical direction]</i> and <i>right/left projection angle [the angle formed by the center axis of the projection beam and the surface of screen in the horizontal direction]</i> and wherein the number p of pixels not rendered in at least one of the given row and the given column of the image output by said output port is derived from said input.
Claim 7	
A method for correcting keystoneing of an image projected by a presentation system including at least one processor, memory operably associated with the processor and configured to store the image, and at least one output port operably associated with the processor and the memory and configured to output the image, the image comprising a number of pixels arranged in a number of rows and a number of columns, said method comprising the steps of:	A method for correcting <i>keystoneing [a form of distortion that can cause a trapezoidal display of a nominally rectangular image]</i> of an image projected by a presentation system including at least one processor, memory operably associated with the processor and configured to store the image, and at least one output port operably associated with the processor and the memory and configured to output the image, the image comprising a number of pixels arranged in a number of rows and a number of columns, said method comprising the steps of:
maintaining the image in the memory; and	maintaining the image in the memory; and
maintaining a program of instructions configured to be executed by the processor and stored in the memory, said program including instruction for	maintaining a program of instructions configured to be executed by the processor and stored in the memory, said program including instruction [the program comprises one or more instructions] for obtaining a number p of pixels not rendered in at least one of a given

<p>obtaining a number p of pixels not rendered in at least one of a given row and a given column of the image output by said output port from at least one of a corresponding row and a corresponding column of the image stored in memory and further including selecting p pixels from at least one of the row and the column of the image stored in memory not to be rendered in at least one of the corresponding row and the corresponding column of the image output by said output port.</p>	<p>row and a given column of the image output by said output port from at least one of a corresponding row and a corresponding column of the image stored in memory and further including selecting p pixels from at least one of the row and the column of the image stored in memory not to be rendered in at least one of the corresponding row and the corresponding column of the image output by said output port.</p>
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Claim 11

A method as recited in claim 7, wherein, in said program of instructions, said means for selecting p pixels not rendered comprises selecting pixels at random from at least one of the row and the column of the image stored in memory.

A method as recited in claim 7, wherein, in said program of instructions, **means for selecting p pixels not rendered** comprises selecting pixels at random from at least one of the row and the column of the image stored in memory.

Means-plus-function claim:

The function of this limitation is: *to select p pixels not rendered comprising selecting pixels at random from at least one of the row and the column of the image stored in memory.*

The structure disclosed to perform this function is: *col. 5, ll. 33-35 (sentence ending with "dithering"); col. 5, ll. 38-40 (sentence commencing with "Other ...").*

Claim 12

A method as recited in claim 7 wherein said program of instructions further includes instructions for input of at least one of upward/downward projection angle and right/left projection angle and wherein the number p of pixels not rendered in at least one of the given row and the given column of the image output by said output port is derived from said input.

A method as recited in claim 7 wherein said program of instructions further includes instructions for input of at least one of upward/downward projection angle and right/left projection angle and wherein the number p of pixels not rendered in at least one of the given row and the given column of the image output by said output port is derived from said input.

Claim 13

A computer readable medium tangibly embodying a program of instructions configured to correct

A *computer readable medium* [*including, but not limited to, a hard disk, floppy disk, random access memory (RAM), read-only memory (ROM), or optical disk*] tangibly embodying a program of

keystoning of an image to be rendered,	instructions configured to correct keystoning of an image to be rendered,
the image comprising a number of pixels arranged in a number of rows and a number of columns,	the image comprising a number of pixels arranged in a number of rows and a number of columns,
said program including instructions for obtaining a number p of pixels not to be rendered in at least one of a given row and a given column and further including selecting which p pixels in least one of the given row and the given column are not rendered.	said program including instructions for obtaining a number p of pixels not to be rendered in at least one of a given row and a given column and further including selecting which p pixels in least one of the given row and the given column are not rendered.

Claim 17

A computer readable medium as in claim 13, wherein selecting which p pixels in at least one of the given row and the given column are not rendered comprises selecting pixels in the column at random.	A computer readable medium as in claim 13, wherein selecting which p pixels in at least one of the given row and the given column are not rendered comprises selecting pixels in the column at random.
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Claim 18

A computer readable medium as in claim 13, wherein said program of instructions further includes instructions for input of at least one of upward/downward projection angle and right/left projection angle and wherein the number p of pixels not rendered in at least one of the given row and the given column is derived from said input.	A computer readable medium as in claim 13, wherein said program of instructions further includes instructions for input of at least one of upward/downward projection angle and right/left projection angle and wherein the number p of pixels not rendered in at least one of the given row and the given column is derived from said input.
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EXHIBIT B

GLOSSARY OF TERMS

<i>TERM</i>	<i>DEFINITION</i>
<i>computer readable medium</i>	including, but not limited to, a hard disk, floppy disk, random access memory (RAM), read-only memory (ROM), or optical disk
<i>input</i>	input directly or incrementally
<i>keystoning</i>	a form of distortion that can cause a trapezoidal display of a nominally rectangular image
<i>not rendered</i>	not used in the displayed image
<i>number p of pixels</i>	a certain number of pixels, including zero

<i>output port</i>	a place of access to data output from a device
<i>pixels</i>	the smallest elements that display or print hardware and software can manipulate in creating letters, numbers or graphics; "pixel," short for picture ("pix") element, can refer to an element on a display screen, or data in memory corresponding to a display element
<i>program of instructions</i>	a sequence of instructions that can be executed by a computer
<i>right/left projection angle</i>	the angle formed by the center axis of the projection beam and the surface of screen in the horizontal direction
<i>upward/downward projection angle</i>	the angle formed by the center axis of the projection beam and the surface of the screen in the vertical direction

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