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/Counter Defendants.

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

CLAIM CONSTRUCTION ORDER FOR UNITED STATES PATENT NUMBER 6,205,495

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

Pursuant to Markman v. Westview Instruments, Inc., 517 U.S. 370 (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 6,205,495 ("the '495 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 '495 patent. Additionally, the Court prepared a case glossary for terms found in the claims and the specification for the '495 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 '495 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 6,205,495-CLAIM CHART

VERBATIM CLAIM LANGUAGE	***COURT'S CLAIM CONSTRUCTION***
Claim 1	
A wireless communications system for enabling an information handling system to couple to a network, comprising:	A wireless communications system for enabling an *information handling system* [*a computer*] to couple to a network, comprising:
a peripheral communications device for communicating information sent to and by the information handling system via a wireless transmission medium, said peripheral communications device comprising:	a *peripheral communications device* [*a device for communications that is connected to a computer and is controlled by the computer's central processing unit*] for communicating information sent to and by the information handling system via a wireless transmission medium, said peripheral communications device comprising:
a device interface for interfacing with a bus of the information handling system,	a device interface for interfacing with a bus of the information handling system,
a first wireless transmission interface for transmitting and receiving information via the wireless communications medium, and	a first wireless transmission interface for transmitting and receiving information via the wireless communications medium, and
a first controller for managing the transfer of information between said device interface and said wireless transmission interface; and	a first controller for managing the transfer of information between said device interface and said wireless transmission interface; and
a base station coupled to said peripheral communications device via the wireless transmission medium for coupling with a network communications device wherein the information handling system is enabled to communicate over a network via the network communications device, said base station comprising:	a base station coupled to said peripheral communications device via the wireless transmission medium for coupling with a *network communications device* [*a device for communicating over a network*] wherein the information handling system is enabled to communicate over a network via the network communications device, said base station comprising:
an I/O interface for interfacing with the network communications device,	an *I/O* [*input and output*] interface for interfacing with the network communications device,
a second wireless transmission interface for transmitting and receiving information via the wireless communications medium, and	a second wireless transmission interface for transmitting and receiving information via the wireless communications medium, and
a second controller for managing the transfer of information between said I/O interface and said wireless transmission interface.	a second controller for managing the transfer of information between said I/O interface and said wireless transmission interface.

Claim 2	
A wireless communications system as claimed in claim 1, wherein the wireless transmission medium comprises an infrared spectrum.	A wireless communications system as claimed in claim 1, wherein the wireless transmission medium comprises an infrared spectrum.
Claim 3	
A wireless communications system as claimed in claim 1, wherein the wireless, transmission medium comprises a radio frequency spectrum.	A wireless communications system as claimed in claim 1, wherein the wireless transmission medium comprises a radio frequency spectrum.
Claim 5	
A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with a PCMCIA standard.	A wireless communications system as claimed in claim 1, wherein said *device interface* [*a device for interfacing with a bus of the information handling system*] is in compliance with a *PCMCIA standard* [*a standard promulgated by the Personal Computer Memory Card International Association*].
Claim 6	
A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with a PCI standard.	A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with a *PCI standard* [*Peripheral Component Interconnect standard*]
Claim 7	
A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with a USB standard.	A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with a *USB standard* [*Universal Serial Bus standard*].
Claim 8	
A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with an ISA standard.	A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with an *ISA standard* [*Industry Standard Architecture standard*].
Claim 9	
A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with an EISA standard.	A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with an *EISA standard* [*Extended Industry Standard Architecture standard*].
Claim 10	
A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with an MCA standard.	A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with an *MCA standard* [*Micro Channel Architecture standard*].
Claim 11	
A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with an IEEE standard.	A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with an *IEEE standard* [*a standard promulgated by the Institute of Electrical and Electronics Engineers (IEEE)*].

Claim 12	
A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with an ADB standard.	A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with an *ADB standard* [*Apple Desktop Bus standard*].
Claim 13	
A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with a SCSI standard.	A wireless communications system as claimed in claim 1, wherein said device interface is in compliance with a *SCSI standard* [*Small Computer Systems Interface (SCSI) standard*].
Claim 14	
A wireless communication system as claimed in claim 1, wherein said I/O interface is in compliance with a PCMCIA standard.	A wireless communication system as claimed in claim 1, wherein said I/O interface is in compliance with a PCMCIA standard.
Claim 15	
A wireless communication system as claimed in claim 1, wherein said I/O interface is in compliance with an RS-232 standard.	A wireless communication system as claimed in claim 1, wherein said I/O interface is in compliance with an *RS-232 standard* [*Recommended Standard 232 promulgated by the Electrical Industries Association*].
Claim 16	
A wireless communication system as claimed in claim 1, wherein said I/O interface is in compliance with an IrDA standard.	A wireless communication system as claimed in claim 1, wherein said I/O interface is in compliance with an *IrDA standard* [*a standard promulgated by the Infrared Data Association*].
Claim 17	
A wireless communication system as claimed in claim 1, wherein said I/O interface is in compliance with an IEEE standard.	A wireless communication system as claimed in claim 1, wherein said I/O interface is in compliance with an IEEE standard.
Claim 19	
A wireless communication system as claimed in claim 1, wherein the network communications device is a modem.	A wireless communication system as claimed in claim 1, wherein the network communications device is a *modem* [*a device for communicating information over a link or line using modulation and demodulation*].
Claim 20	
A wireless communications system for enabling an information handling system to couple to a network, comprising:	A wireless communications system for enabling an information handling system to couple to a network, comprising:
communicating means for communicating information sent to and by the information handling system via a wireless transmission medium, said communicating means comprising:	**communicating means for communicating information sent to and by the information handling system via a wireless transmission medium,** said communicating means comprising:

	Means-plus-function claim: The function of this limitation is: *communicating information sent to and by the information handling system via a wireless transmission medium*. The structure disclosed to perform this function is: *peripheral communications device 210, fig. 2, or 310, fig. 3*.
first interfacing means for interfacing with a bus of the information handling system,	**first interfacing means for interfacing with a bus of the information handling system,**
	Means-plus-function claim. The function of this limitation is: *interfacing with a bus of the information handling system*. The structure disclosed to perform this function is: *device interface 212, fig. 2*.
first wireless transmitting and receiving means for transmitting and receiving information via the wireless communications medium, and	**first wireless transmitting and receiving means for transmitting and receiving information via the wireless communications medium,** and
	Means-plus-function claim: The function of this limitation is: *transmitting and receiving information via the wireless communications medium*. The structure disclosed to perform this function is: *an infrared or radio frequency communications interface*.
first managing means for managing the transfer of information between said interfacing means and said first wireless transmitting and receiving means; and	**first managing means for managing the transfer of information between said interfacing means and said first wireless transmitting and receiving means;** and
	Means-plus-function claim: The function of this limitation is: *managing the transfer of information between said interfacing means and said first wireless transmitting and receiving means*. The structure disclosed to perform this function is: *a controller*.
coupling means coupled to said communicating means via the wireless transmission medium for coupling with a network communicating means for communicating over a network wherein the information handling system is enabled to communicate over a network via the network communicating means, said coupling means comprising: **Means-plus-function claim:** "**coupling means**" The function of	**coupling means** coupled to said communicating means via the wireless transmission medium **for coupling with a network communicating means for communicating over a network wherein the information handling system is enabled to communicate over a network via the network communicating means,** said coupling means comprising:

this limitation is: *coupling with a network communicating means*. The structure disclosed to perform this function is: *base station 220, fig. 2, or 320, fig. 3*.	
	"**network communicating means**" The function of this limitation is: *communicating over a network* The structure disclosed to perform this function is: *a modem*
second interfacing means for interfacing with the network communicating means	**second interfacing means for interfacing with the network communicating means,**
	Means-plus-function claim: The function of this limitation is: *interfacing with the network communicating means*. The structure disclosed to perform this function is: *an I/O interface 226, fig. 2*
second wireless transmitting and receiving means for transmitting and receiving information via the wireless communications medium, and	**second wireless transmitting and receiving means for transmitting and receiving information via the wireless communications medium,** and
	Means-plus-function claim: The function of this limitation is: *transmitting and receiving information via the wireless communications medium*. The structure disclosed to perform this function is: *an infrared or radio frequency communications interface*.
second managing means for managing the transfer of information between said second interfacing means and the wireless communications medium.	**second managing means for managing the transfer of information between said second interfacing means and the wireless communications medium.**
	Means-plus-function claim: The function of this limitation is: *managing the transfer of information between said second interfacing means and the wireless communications medium*. The structure disclosed to perform this function is: *controller 224 and wireless interface 222, as shown in fig. 2*.
Claim 21	
A wireless communications system as claimed in claim 20, wherein the wireless transmission medium comprises an infrared spectrum.	A wireless communications system as claimed in claim 20, wherein the wireless transmission medium comprises an infrared spectrum.
Claim 22	
A wireless communications system as claimed in claim 20, wherein the wireless transmission medium comprises a radio frequency spectrum.	A wireless communications system as claimed in claim 20, wherein the wireless transmission medium comprises a radio frequency spectrum.
Claim 24	

A wireless communications system as claimed in claim 20, wherein said first interfacing means is in compliance with a PCMCIA standard .	A wireless communications system as claimed in claim 20, wherein said first interfacing means is in compliance with a PCMCIA standard.
Claim 25	
A *wireless communications system as* claimed in claim 20, wherein said first interfacing means is in compliance with a PCI standard.	A *wireless communications system as* claimed in claim 20, wherein said first interfacing means is in compliance with a PCI standard.
Claim 26	
A wireless communications system as claimed in claim 20, wherein said first interfacing means is in compliance with a USB standard.	A wireless communications system as claimed in claim 20, wherein said first interfacing means is in compliance with a USB standard.
Claim 27	
A wireless communications system as claimed in claim 20, wherein said fist interfacing means is in compliance with an ISA standard.	A wireless communications system as claimed in claim 20, wherein said fist interfacing means is in compliance with an ISA standard.
Claim 28	
A wireless communications system as claimed in claim 20, wherein said first interfacing means is in compliance with an EISA standard.	A wireless communications system as claimed in claim 20, wherein said first interfacing means is in compliance with an EISA standard.
Claim 29	
A wireless communications system as claimed in claim 20, wherein said first interfacing means is in compliance with an MCA standard.	A wireless communications system as claimed in claim 20, wherein said first interfacing means is in compliance with an MCA standard.
Claim 30	
A wireless communications system as claimed in claim 20, wherein said first interfacing means is in compliance with an IEEE standard.	A wireless communications system as claimed in claim 20, wherein said first interfacing means is in compliance with an IEEE standard.
Claim 31	
A wireless communications system as claimed in claim 20, wherein said first interfacing means is in compliance with a ADB standard.	A wireless communications system as claimed in claim 20, wherein said first interfacing means is in compliance with a ADB standard.
Claim 32	
A wireless communications system as claimed in claim 20, wherein said first interfacing means is in compliance with a SCSI standard.	A wireless communications system as claimed in claim 20, wherein said first interfacing means is in compliance with a SCSI standard.
Claim 33	
A wireless communication system as	A wireless communication system as claimed in claim 20, wherein

claimed in claim 20, wherein said second interfacing means is in compliance with a PCMCIA standard.	said second interfacing means is in compliance with a PCMCIA standard.
Claim 34	
A wireless communication system as claimed in claim 20, wherein said second interfacing means is in compliance with an RS-232 standard.	A wireless communication system as claimed in claim 20, wherein said second interfacing means is in compliance with an RS-232 standard.
Claim 35	
A wireless communication system as claimed in claim 20, wherein said second interfacing means is in compliance with an IrDA standard .	A wireless communication system as claimed in claim 20, wherein said second interfacing means is in compliance with an IrDA standard.
Claim 36	
A wireless communication system as claimed in claim 20, wherein said second interfacing means is in compliance with an IEEE standard .	A wireless communication system as claimed in claim 20, wherein said second interfacing means is in compliance with an IEEE standard.
Claim 38	
A wireless communication system as claimed in claim 20, wherein the network communicating means is a modem.	A wireless communication system as claimed in claim 20, wherein the network communicating means is a modem.
Claim 39	
A method for communicating between an information handling system and a network via a wireless transmission medium, comprising:	A method for communicating between an information handling system and a network via a wireless transmission medium, comprising:
sending information to be transmitted from the information handling system to a peripheral device of the information handling system;	sending information to be transmitted from the information handling system to a *peripheral device [a device that is connected to a computer and is controlled by the computer's central processing unit]* of the information handling system;
translating the information to be transmitted into a wireless data transmission format;	translating the information to be transmitted into a wireless data transmission format;
transmitting the wireless data transmission formatted information via a wireless transmission medium to a remote device;	transmitting the wireless data transmission formatted information via a wireless transmission medium to a *remote device [a device which is remotely located from the information handling system];*
receiving the wireless data transmission formatted information with the remote device;	receiving the wireless data transmission formatted information with the remote device;
converting the received information into a network communications format; and	converting the received information into a network communications format; and
sending the network communications formatted information to a modem connected to the network for	sending the network communications formatted information to a modem connected to the network for transmission of the network communications formatted information via the network.

transmission of the network communications formatted information via the network.	
Claim 40	
A method as claimed in claim 39, wherein the wireless data transmission format is in compliance with an IrDA standard.	A method as claimed in claim 39, wherein the wireless data transmission format is in compliance with an IrDA standard.
Claim 41	
A method as claimed in claim 39, wherein the modem is in compliance with a PCMCIA standard.	A method as claimed in claim 39, wherein the modem is in compliance with a PCMCIA standard.
Claim 42	
A method as claimed in claim 39, further comprising the steps of:	A method as claimed in claim 39, further comprising the steps of:
receiving network formatted information from the network via the modem with the remote device;	receiving network formatted information from the network via the modem with the remote device;
converting the network formatted information into a wireless data transmission format;	*converting the network formatted* information into a wireless data transmission format;
transmitting the wireless data transmission formatted information via the wireless transmission medium to the peripheral device of the information handling system;	transmitting the wireless data transmission formatted information via the wireless transmission medium to the peripheral device of the information handling system;
receiving the wireless data transmission formatted information with the peripheral device of the information handling system;	receiving the wireless data transmission formatted information with the peripheral device of the information handling system;
translating the wireless data transmission formatted information into a format-readable by the information handling system; and	translating the wireless data transmission formatted information into a format readable by the information handling system; and
sending the information to the information handling system.	sending the information to the information handling system.
Claim 43	
A computer readable medium whose contents cause an information handling system to perform method steps for communicating between the information handling system and a network via a wireless transmission medium, the method steps comprising:	A computer readable medium whose contents cause an information handling system to perform method steps for communicating between the information handling system and a network via a wireless transmission medium, the method steps comprising:
sending information to be transmitted from the information handling system to	sending information to be transmitted from the information handling system to a peripheral device of the information handling

a peripheral device of the information handling system;	system;
translating the information to be transmitted into a wireless data transmission format;	translating the information to be transmitted into a wireless data transmission format;
transmitting the wireless data transmission formatted information via a wireless transmission medium to a remote device;	*transmitting the wireless data transmission* formatted information via a wireless transmission medium to a remote device;
receiving the wireless data transmission formatted information with the remote device;	receiving the wireless data transmission formatted information with the remote device;
converting the received information into a network communications format; and	converting the received information into a network communications format; and
sending the network communications formatted information to a modem connected to the network for transmission of the network communications formatted information via the network.	sending the network communications formatted information to a modem connected to the network for transmission of the network communications formatted information via the network.
Claim 44	
A computer readable medium as claimed in claim 43, wherein the wireless data transmission format is in compliance with an IrDA standard.	A computer readable medium as claimed in claim 43, wherein the wireless data transmission format is in compliance with an IrDA standard.
Claim 45	
A computer readable medium as claimed in claim 43, wherein the modem is in, compliance with a PCMCIA standard.	A computer readable medium as claimed in claim 43, wherein the modem is in compliance with a PCMCIA standard.
Claim 46	
A computer readable medium as claimed in claim 43, the method steps further comprising the steps of:	A computer readable medium as claimed in claim 43, the method steps further comprising the steps of:
receiving network formatted information from the network via the modem with the remote device;	receiving network formatted information from the network via the modem with the remote device;
converting the network formatted information into a wireless data transmission format;	converting the network formatted information into a wireless data transmission format;
transmitting the wireless data transmission formatted information via the wireless transmission medium to the peripheral device of the information handling system;	transmitting the wireless data transmission formatted information via the wireless transmission medium to the peripheral device of the information handling system;
receiving the wireless data transmission formatted information with the peripheral	receiving the wireless data transmission formatted information with the peripheral device of the information handling system;

device of the information handling system;	
translating the wireless data transmission formatted information into a format readable by the information handling system; and	translating the wireless data transmission formatted information into a format readable by the information handling system; and
sending the information to the information handling system.	sending the information to the information handling system.
Claim 47	
A wireless communication system for enabling an information handling system to couple to a remote device, comprising:	A wireless communication system for enabling an information handling system to couple to a remote device, comprising:
a first transmission interface for transmitting and receiving information directly connected to the information handling device; and	**a first transmission interface for transmitting and receiving information directly connected to the information handling device** [*a transmission interface, directly connected to the information handling system, for sending and receiving data]; and*
a second transmission interface remotely located from the information handling system and coupled to the remote device capable of sending information to and receiving information from the first transmission interface such that the information handling system may communicate with the remote device, said second transmission interface being capable of physically coupling with a network communication device for coupling with a network such that the information handling system is capable of communicating over the network via the network communication device.	a second transmission interface remotely located from the information handling system and coupled to the remote device capable of sending information to and receiving information from the first transmission interface such that the information handling system may communicate with the remote device, **said second transmission interface being capable of physically coupling with a network communication device for coupling with a network such that the information handling system is capable of communicating over the network via the network communication device** *[means that the second transmission interface is capable of being physically coupled with the network communication device, that the network communication is capable of being coupled with a network, and that the information handling system is capable of sending and receiving data to/from the network via the network communication device].*
Claim 48	
An information handling system for communicating with a remote device, comprising:	An information handling system for communicating with a remote device, comprising:
a processor for executing instructions executable by said processor;	a processor for executing instructions executable by said processor;
a memory coupled to said processor for storing instructions executable by said processor; and	a memory coupled to said processor for storing instructions executable by said processor; and
an interface coupled said processor for transmitting and receiving information to a second transmission interface remotely located from the information handling system and coupled to the remote device such that the information handling system may communicate with the	an interface coupled said processor for transmitting and receiving information to a second transmission interface remotely located from the information handling system and coupled to the remote device such that the information handling system may communicate with the remote device, said second transmission interface being capable of physically coupling with a network communication device for coupling with a network such that the

remote device, said second transmission interface being capable of physically coupling with a network communication device for coupling with a network such that the information handling system is capable of communicating over the network via the network communication device.	information handling system is capable of communicating over the network via the network communication device.
Claim 49	
An information handling system as claimed in claim 48, wherein said interface is controlled by a program of instructions stored in said memory.	An information handling system as claimed in claim 48, wherein said interface is controlled by a program of instructions stored in said memory.
Claim 50	
An information handling system as claimed in claim 48, wherein said interface is controlled by a program of instructions transmitted to said memory from the remote device.	An information handling system as claimed in claim 48, wherein said interface is controlled by a program of instructions transmitted to said memory from the remote device.

EXHIBIT B

GLOSSARY OF TERMS

TERM	*DEFINITION*
ADB standard	Apple Desktop Bus standard
device interface	a device for interfacing with a bus of the information handling system
EISA standard	Extended Industry Standard Architecture standard
IEEE standard	a standard promulgated by the Institute of Electrical and Electronics Engineers (IEEE)
I/O	input and output
information handling system	a computer
IrDA standard	a standard promulgated by the Infrared Data Association
ISA standard	Industry Standard Architecture standard

MCA standard	Micro Channel Architecture standard
modem	a device for communicating information over a link or line using modulation and demodulation
network communications device	a device for communicating over a network
PCI standard	Peripheral Component Interconnect standard
PCMCIA standard	a standard promulgated by the Personal Computer Memory Card International Association
peripheral communications device	a device for communications that is connected to a computer and is controlled by the computer's central processing unit
peripheral device	a device that is connected to a computer and is controlled by the computer's central processing unit
remote device	a device which is remotely located from the information handling system
RS-232 standard	Recommended Standard 232 promulgated by the Electrical Industries Association
SCSI standard USB standard	Small Computer Systems Interface (SCSI) standard
USB Standard	Universal Serial Bus standard

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