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)

Oct. 5, 2005.

John Allcock, DLA Piper US, San Diego, CA, for Plaintiff.

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

CLAIM CONSTRUCTION ORDER FOR UNITED STATES PATENT NUMBER 4,574,279

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 23-25, 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 4,574,279 ("the '279 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 '279 patent. Additionally, the Court prepared a case glossary for terms found in the claims and the specification for the '279 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 '279 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 4,574,279-CLAIM CHART

VERBATIM CLAIM LANGUAGE	*COURT'S CONSTRUCTION*
Claim I	
A video display system responsive to mode select signals for displaying alphanumeric characters or graphic data in a display field of a video CRT screen having a height adjustment, the CRT operating from horizontal and vertical scan frequencies, the height of the display field determined by the screen format selected where the selected screen format includes a number of horizontal scan lines, the system including a means responsive, respectively, to first and second mode select signals for selecting a first screen format having a first number of horizontal scan lines and a second screen format having a second number of horizontal scan lines, where the height and width of the display field for both said first and second screen formats is the same, and where the first and second screen formats are generated, respectively, from first and second horizontal scan frequencies,	A video display system responsive to **mode select signals** [*signals that specify different screen formats*] for displaying alphanumeric characters or graphic data in a **display field** [*the portion of a video CRT screen that displays alphanumeric characters or graphics*] of a video CRT screen having a height adjustment, the CRT operating from horizontal and vertical scan frequencies, the height of the **display field** determined by the **screen format** [*the resolution of the display field that is measured in scan lines and pixels per scan line*] selected where the selected **screen format** includes **a number of horizontal scan lines** [*the number of horizontal lines of pixels in the display field*], the system including a means responsive, respectively, to first and second **mode select signals** for selecting a first **screen format** having a first number of horizontal scan lines and a second **screen format** having a second number of horizontal scan lines, where the height and width of the **display field** for both said first and second **screen formats** is the **same** [*identical*], and where the first and second **screen formats** are generated, respectively, from first and second horizontal scan frequencies, said means adapted to generate said alphanumeric characters in either of said selected **screen formats** where said displayed characters are substantially identical in both said formats. **Means-plus-function claim: "means responsive, respectively, to first and second mode select signals for selecting a first screen format having a first number of horizontal scan lines and a second screen format having a second number of horizontal scan lines, where the height and width of the display field for both said first and second screen formats is the same"** The function of this limitation is: *selecting a first screen format having a first number of horizontal scan lines and a second screen format having a second number of horizontal scan lines, and the height and width of the display field for both screen formats is the same*. The structure disclosed to perform this function is: *video controller 10 having a 9-dot mode decode circuit 34; a mode line; and a CRT control board 18 having height adjustment circuitry, as depicted in figs. 1, 2(a)-(c), 4(a)-(h) and described at col 4, ll. 64-68; col. 9, ll. 24-47; col. 5, ll. 13-27; and cols. 11, l. 45-col. 12, l. 2.* **Means-plus-function claim: "said means adapted to generate said alphanumeric characters in either of said selected screen formats"** The function of this limitation is: *to adapt the prior means to generate alphanumeric characters of the selected screen formats*. The structure disclosed to perform this function is: *Character Generator ROM 68 and image memory 50, as depicted in figs. 1, 2(a)-(c) and described at col. 5, ll. 3-12; col. 10, ll. 35-59; col. 11, ll. 13-*

said means adapted to generate said alphanumeric characters in either of said selected screen formats where said displayed characters are substantially identical in both said formats.	*39; and col. 12, ll. 3-38.*

Claim 2

The display system of claim 1 wherein said means includes a means responsive to a third mode select signal when in said first screen format to double the number of horizontal scan lines in the display, field without increasing the height of the display field by interleaving the horizontal-scan lines and keeping the horizontal scan frequency the same.	The display system of claim 1 wherein said means includes a means responsive to a **third mode select signal** [*a mode select signal in addition to the two mode select signals in claim 1*] when in said first **screen format** to double the number of horizontal scan lines in the **display field** without increasing the height of the **display field** by interleaving the horizontal-scan lines and keeping the horizontal scan frequency the same. **Means-plus-function claim: "means responsive to a third mode select signal when in said first screen format to double the number of horizontal scan lines in the display field without increasing the height of the display field."** The function of this limitation is: *doubling the number of horizontal scan lines in the display field by interleaving the horizontal scan lines without increasing the height of the display field*. The structure disclosed to perform this function is: *RGB/composite color generator/driver 90 contained in video controller 10, as depicted in figs. 1, 2(c), 5(a)-(d), and described at col. 2, ll. 21-25; col. 8, ll. 52-56; col. 12, ll. 18-25; col. 12, l. 47-col 13, l. 10; and Table 2.*

Claim 3

The video system of claim 1 wherein each horizontal scan line in the display field for a selected screen format has a width which includes a number of pixel dots, said selecting means including a dot clock generator responsive, respectively, to the first and second mode select signals for generating first and second dot clocks for respectively outputting a first number of pixel dots per horizontal scan line in the first screen format and a second numbers of pixel dots per horizontal scan line in the second screen format where the width of the horizontal scan lines for both said first and second screen formats is the same.	The video system of claim 1 wherein each horizontal scan line in the **display field** for a selected **screen format** has a width which includes a number of pixel dots, said selecting means including a dot clock generator responsive, respectively, to the first and second **mode select signals** for generating first and second dot clocks for respectively outputting a first number of pixel dots per horizontal scan line in the first **screen format** and a second numbers of pixel dots per horizontal scan line in the second **screen format** where the width of the horizontal scan lines for both said first and second **screen formats** is the **same** [*identical*].

Claim 6

The video system of claim 1 wherein said means for selecting the screen formats includes:	The video system of claim 1 wherein said means for selecting the **screen formats** includes:
(a) a means for generating a first vertical scan frequency	(a) a means for generating a first vertical scan frequency for the first **screen format** and a second vertical scan frequency for the second **screen format:**

for the first screen format and a second vertical scan frequency for the second screen format; and	and **Means-plus-function claim: "means for generating"** The function of this limitation is: *generating a first vertical scan frequency for the first screen format and a second vertical scan frequency for the second screenformat*. The structure disclosed to perform this function is: *timing generator 56 contained in video controller 10 as depicted in fig. 2(c) and described at col. 4, ll. 64-68; and col. 11, l. 45-col. 12, l. 2.*
(b) a means for automatically adjusting the height control for the CRT screen in response to the mode control signals, said vertical scan frequency generating means and said height adjustment means cooperating to control the height of the display field to be the same for each selected screen format.	(b) a means for automatically adjusting the height control for the CRT screen in response to the mode control signals, said vertical scan frequency generating means and said height adjustment means cooperating to control the height of the *display field* to be the *same* for each selected *screen format.* **Means-plus-function claim: "means for automatically adjusting"** The function of this limitation is: *automatically adjusting the height control for the CRT screen in response to the mode control signals*. The structure disclosed to perform this function is: *CRT control board 18 having a height adjustment circuit 24 and switch circuit 22 coupled to a mode line, as depicted in fig. 1 and described at col. 9, ll. 24-47; and col. 5, ll. 13-27.*

Claim 12

A video display system including a means for switching from a first screen format defining a display field having a height and a width in a CRT video display unit of a first number of horizontal scan lines developed with a first horizontal scan frequency to a second screen format having a second number of horizontal scan lines developed with a different horizontal scan frequency such that the display field remains the same size in both height and width, said display system further including an image generation means for generating a plurality of indicia in either of said screen formats, at least some of said indicia being substantially congruent in both said screen formats.	A video display system including a means for switching from a first *screen format* defining a *display field* having a height and a width in a CRT video display unit of a first number of horizontal scan lines developed with a first horizontal scan frequency to a second *screen format* having a second number of horizontal scan lines developed with a different horizontal scan frequency such that the *display field* remains the *same* size in both height and width, said display system further including an image generation means.for generating a plurality of *indicia* [*alphanumeric characters*] in either of said *screen formats,* at least some of said *indicia* being substantially *congruent* [*identical*] in both said *screen formats.* **Means-plus-function claim: "means for switching"** The function of this limitation is: *switching from a first screen format of a first number of horizontal scan lines developed with a first horizontal scan frequency to a second screen format having a second number of horizontal scan lines developed with a different horizontal scan frequency such that the display field remains the same size in both height and width*. The structure disclosed to perform this function is: *video controller 10 having a 9-dot mode decode circuit 34 and timing generator 56; a mode line; and a CRT control board 18 having height adjustment circuitry 24, video sync circuits 20, video drive circuits 26, and a switch*. **Means-plus-function claim: "image generation means"** The function of this limitation is: *generating a plurality of indicia in either of said screen formats*. The structure disclosed to perform this function is: *Character Generator ROM 68 and image memory 50, as depicted in Figs. 1, 2(a)-(c) and described at col. 5, ll. 3-12; col. 10, ll. 35-59; col. 11, ll. 13-39; and col. 12, ll. 3-38.*

Claim 13

A personal computer having a CRT video display unit, said computer including a means responsive to first and second mode select signals for switching from a first screen format which defines a display field in the CRT of a first number of horizontal scan lines to a second screen format having the same size display field in both height and width formed from a second number of horizontal scan lines where said first and second screen formats are generated, respectively, from first and second horizontal scan frequencies, said means adapted to generate a plurality of indicia in either of said screen formats, at least some of said indicia in said first format similarly shaped to said indicia in said second format.

A personal computer having a CRT video display unit, said computer including a means responsive to first and second *mode select signals* for switching from a first *screen format* which defines a *display field* in the CRT of a first number of horizontal scan lines to a second *screen format* having the *same* size *display field* in both height and width formed from a second number of horizontal scan lines where said first and second *screen formats* are generated, respectively, from first and second horizontal scan frequencies, said means adapted to generate a plurality of *indicia* in either of said *screen formats,* at least some of said *indicia* in said first format *similarly* [*closely resembling each other*] shaped to said *indicia* in said second format. **Means-plus-function claim: "means for switching"** The function of this limitation is: *switching from a first screen format of a first number of horizontal scan lines to a second screen format having the same size display field in both height and width*. The structure disclosed to perform this function is: *video controller 10 having a 9-dot mode decode circuit 34 and timing generator 56; a mode line; and a CRT control board 18 having height adjustment circuitry 24, video sync circuits 20, video drive circuits 26, and a switch*. **Means-plus-function claim: "said means adapted to generate a plurality of indicia"** The function of this limitation is: *generation of a plurality of indicia in either of said screen formats*. The structure disclosed to perform this function is: *Character Generator ROM 68 and image memory 50, as depicted in figs. 1, 2(a)-(c) and described at col. 5, ll. 3-12; col. 10, ll. 35-59; col. 11, ll. 13-39; and col. 12, ll. 3-38.*

EXHIBIT B

GLOSSARY OF TERMS

TERM	*DEFINITION*
congruent	Identical
display field	The portion of a video CRT screen that displays alphanumeric characters or graphics
indicia	Alphanumeric characters
mode select signals	Signals that specify different screen formats
a number of horizontal scan lines	The number of horizontal lines of pixels in the display field
same	Identical
screen format	The resolution of the display field that is measured in scan lines and pixels per scan line
similarly	Closely resembling each other
third mode select signal	A mode select signal in addition to the two mode select signals in claim 1

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