

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 6,307,740

RUDI M. BREWSTER, District Judge.

Pursuant to *Markman v. Westview Instruments, Inc.*, 517 U.S. 370 (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 6,307,740 ("the '740 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 '740 patent. Additionally, the Court prepared a case glossary for terms found in the claims and the specification for the '740 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 '740 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 6,307,740-CLAIM CHART

VERBATIM CLAIM LANGUAGE	COURT'S CONSTRUCTION
Claim 1	
A notebook computer, comprising:	A notebook computer, comprising:
a computer housing with a generally rectangular configuration, including a top side, a bottom, a front side and a rear side, and sidewalls extending from the front side to the rear side with a substantially uniform height;	a computer housing with a generally rectangular configuration, including a top side [<i>a surface of the computer housing</i>], a bottom, a front side and a rear side, and sidewalls extending from the front side to the rear side with a substantially uniform height [<i>substantially uniform height throughout, from the front side to the rear side</i>];
a keyboard assembly mounted on the top side of said computer housing;	a keyboard assembly [<i>all the components necessary to function as a keyboard</i>] mounted on the top side [<i>attached to, in contact with and supported by the top side</i>] of said computer housing;
a lid including a display mounted therein, said lid being rotatably attached to the top side of said computer housing near the rear side, and covering substantially the entire top side of said housing when closed;	a lid including a display mounted therein, said lid being rotatably [<i>capable of being rotated about an axis</i>] attached to the top side of said computer housing near the rear side, and covering substantially the entire top side of said housing when closed;
a motherboard, including component chips mounted thereon, attached to the bottom of said computer housing, and wherein at least a portion of said motherboard is positioned underneath the keyboard assembly to define a region bounded on the upper and lower side by the keyboard assembly and the motherboard;	a motherboard, including component chips mounted thereon, attached to the bottom of said computer housing, and wherein at least a portion of said motherboard is positioned underneath [<i>directly beneath</i>] the keyboard assembly to define a region bounded on the upper and lower side by the keyboard assembly and the motherboard [<i>means the space enclosed by the area of overlap between the keyboard assembly on the upper side and the motherboard on the lower side</i>];
a hard disk drive positioned in said housing in an area outside of said region, and toward the front side of said housing;	a hard disk drive positioned in said housing in an area outside of said region, and toward the front side of said housing [<i>means the front portion of the housing, co-planar to (the bottom surfaces are on the same plane) and on the front side of the motherboard</i>];
a peripheral device positioned in said housing in an area outside of said region, and toward the front side of said housing; and	a peripheral device positioned in said housing in an area outside of said region, and toward the front side of said housing; and
an input pointing device positioned in said housing in an area outside of said region, and toward the front side of said housing.	an input pointing device positioned in said housing [<i>means included within the housing</i>] in an area outside of said region, and toward the front side of said housing.
Claim 2	

A notebook computer as in claim 1, wherein said peripheral device comprises a PCMCIA slot.	A notebook computer as in claim 1, wherein said peripheral device comprises a PCMCIA [<i>a standard promulgated by the Personal Computer Memory Card International Association</i>] slot.
Claim 11	
A notebook computer as in claim 1, wherein said notebook computer has a thickness not substantially greater than one inch when said lid is closed.	A notebook computer as in claim 1, wherein said notebook computer has a thickness not substantially greater than one inch when said lid is closed.
Claim 12	
A notebook computer as in claim 1, wherein said motherboard is wholly contained within said computer housing.	A notebook computer as in claim 1, wherein said motherboard is wholly contained within said computer housing.
Claim 13	
A notebook computer as in claim 12, wherein said motherboard is positioned directly below said keyboard assembly.	A notebook computer as in claim 12, wherein said motherboard is positioned directly below said keyboard assembly [<i>means the smaller is completely opposed by the larger</i>].
Claim 14	
An ultra-thin notebook computer, comprising:	An ultra-thin notebook computer, comprising;
a computer housing including a top side, a bottom, a front side, rear side, and sidewalls extending from the front side to the rear side with a substantially uniform height;	a computer housing including a top side, a bottom, a front side, rear side, and sidewalls extending from the front side to the rear side with a substantially uniform height ;
a lid, including a display, rotatably attached to the top side of said computer housing near the rear side, said lid covering substantially the entire top side of said housing when closed;	a lid, including a display, rotatably attached to the top side of said computer housing near the rear side, said lid covering substantially the entire top side of said housing when closed;
a keyboard assembly mounted on the top side of said computer housing;	a keyboard assembly mounted on the top side of said computer housing;
a motherboard, including component chips mounted thereon, attached to the bottom of said computer housing and mounted completely within said computer housing, and wherein said motherboard is positioned beneath the keyboard assembly to define a region bounded by the keyboard assembly and the motherboard;	a motherboard, including component chips mounted thereon, attached to the bottom of said computer housing and mounted completely within said computer housing, and wherein said motherboard is positioned beneath the keyboard assembly to define a region bounded by the keyboard assembly and the motherboard;
a hard disk drive positioned in said housing outside of said region, and in an area on the front side of said housing relative to said region;	a hard disk drive positioned in said housing outside of said region, and in an area on the front side of said housing relative to said region;
a PCMCIA slot positioned in said housing outside of said region, and in an area on	a PCMCIA slot positioned in said housing outside of said region, and in an area on the front side of said housing relative

the front side of said housing relative to said region; and	to said region; and
an input pointing device and associated control circuitry positioned in said housing outside of said region and in an area on the front side of said housing relative to said region.	an input pointing device and associated control circuitry positioned in said housing outside of said region and in an area on the front side of said housing relative to said region.
Claim 20	

A notebook computer as in claim 14, wherein said notebook computer has a thickness not substantially greater than one inch when the lid is closed.

A notebook computer as in claim 14, wherein said notebook computer has a thickness not substantially greater than one inch when the lid is closed.

EXHIBIT B

GLOSSARY OF TERMS

TERM

keyboard assembly mounted on the top side outside of said region, and toward the front side of said housing

PCMCIA

positioned directly below said keyboard assembly

region bounded on the upper and lower side by the keyboard assembly and the motherboard

rotatably

side

substantially uniform in height

underneath

DEFINITION

All the components necessary to function as a keyboard
Attached to, in contact with and supported by the top side
The front portion of the housing, co-planar to (the bottom surfaces are on the same plane) and on the front side of the motherboard

A standard promulgated by the Personal Computer Memory Card International Association

The smaller is completely opposed by the larger

The space enclosed by the area of overlap between the keyboard assembly on the upper side and the motherboard on the lower side

Capable of being rotated about an axis

A surface of the computer housing

Substantially uniform height throughout, from the front side to the rear side

directly beneath

S.D.Cal.,2005.

Hewlett-Packard Development Co., L.P. v. Gateway, Inc.

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