United States District Court,
D. Arizona.

**TEST ADVANTAGE, INC., an Arizona corporation,**
Plaintiff.
v.
**Eric Paul TABOR and Ronni Tabor, husband and wife; and Rizon Software, L.L.C., an Arizona corporation,**
Defendants.

No. CV2005-03392-EHC

**Feb. 16, 2007.**


Andrew Stewart Ashworth, Stacy Meryl Gabriel, Gabriel & Ashworth PLLC, Scottsdale, AZ, Brett L. Dunkelman, Scott William Rodgers, William J. Maledon, Osborn Maledon PA, Phoenix, AZ, for Plaintiff.

Lance Christopher Venable, Venable Campillo Logan & Meaney PC, Phoenix, AZ, Scott F. Gibson, Gibson Ferrin & Riggs PLC, Mesa, AZ, for Defendants.


## ORDER RE: CLAIM CONSTRUCTION

EARL H. CARROLL**, District Judge.**


Pursuant to the Stipulation of the Parties, it is ordered that that the below-identified terms of the Tabor Patent shall be construed as follows:

1. The term "tester" shall mean equipment used to test semiconductors, including but not limited to automatic test equipment (ATE) available from such suppliers as Teradyne.

2. The term "outlier" shall mean a test result that is within the upper and lower limits of the product's specifications (i.e., a test result that does not indicate a "bad" or "out of spec" part) but nevertheless strays from values which are statistically similar.

3. The terms "identify an outlier", "identify outliers", and "identifying an outlier" shall be interpreted to establish the identity of an outlier that is retained in the data for later use (including but not limited to being included in an output report), rather than being removed or screened from a set of data.

4. The term "supplemental data analysis" as used in Claims 8-14 shall mean any appropriate automated analysis of the test data to achieve any suitable objective-i.e., any computerized or automated analysis of the test data beyond that provided by the tester itself in generating the test data.

5. The term "section group of components on a wafer" in Claims 3, 10, and 17 shall mean that the test data

of the wafer to be analyzed is separated into separate sections or groups of components and that the test data of each section or group is then analyzed separately.

6. The term "at run time" in Claims 6, 13, and 15-20 shall mean within a matter of seconds or minutes following the generation of the test data.

It is further ordered vacating the *Markman* Hearing currently scheduled for March 29, 2007.

D.Ariz.,2007.
Test Advantage, Inc. v. Tabor