United States District Court,
S.D. California.

LUCENT TECHNOLOGIES, INC,
Plaintiff.
v.
GATEWAY, INC and Gateway Country Stores LLC; and, Microsoft Corporation; and, Dell, Inc,
Defendants.

Civil Nos. 02CV2060-B(LAB), 03CV0699-B(LAB), 03CV1108-B(LAB)

April 17, 2007.

CLAIM CONSTRUCTION ORDER CLARIFYING AND SUPERCEDING THE ORDER OF MARCH 1, 2004, CONSTRUING CLAIMS FOR U.S. PATENT NO. 4,763,356

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

On March 7, 2007, the Court heard motions for summary adjudication concerning U.S. Patent No. 4,763,356 ("the '356 patent"). During the hearing, a dispute came to light on the meaning of the term "concurrently displaying" and the Court instructed the parties to submit briefing on this claim term. Having now fully considered the parties' briefs and the oppositions filed thereto, the Court hereby retains the construction of the term "concurrently displaying" as it is set forth in the Court's Order on March 1, 2004.

Although the instant order does not change the substance of the Court's prior claim construction, the instant order clarifies the preceding order through a change in the format of Exhibit A. The instant order therefore supercedes the Court's claim construction order of March 1, 2004. As set forth in the attached Exhibits A and B, the Court **HEREBY CONSTRUES** all claim terms in dispute in the '356 Patent and **ISSUES** the relevant jury instructions as written in exhibit A, attached hereto and **HEREBY DEFINES** all pertinent technical terms as written in exhibit B, attached hereto.

Because the Court decides the claim construction issue herein pursuant to Local Rule 7.1 without oral argument, the hearing on the claim construction issue originally scheduled for April 27, 2007 is hereby **VACATED.**

IT IS SO ORDERED

EXHIBIT A

VERBATIM CLAIM ELEMENT	*COURT'S CLAIM CONSTRUCTION*
CLAIM 1	
An arrangement for use in a computer having a display associated	An arrangement for use in a computer having a display associated therewith comprising

therewith comprising	
means for displaying on said display a pattern including a plurality of information fields and for identifying for each field a kind of information to be inserted therein,	***means for displaying on said display a pattern including a plurality of information fields and for identifying for each field a kind of information to be inserted therein*** *[This is a means plus function element: The function is: performing the function of displaying on the display;*
	The corresponding structure is: a microprocessor 211 programmed with the algorithm that displays a form 1501-1502, an associated controller-220 and/or 219-and a display-21 and/or (16 and 18).(see Fig. 13, Col. 11:57-58; Fig. 15, Col. 13:24-31; Col. 11:62-64; Col. 12: 8-11)],
means for indicating a particular one of said information fields into which information is to be inserted and for concurrently displaying a predefined tool associated with said one of said fields, said predefined tool being operable to supply information of the kind identified for said one field, said tool being selected from a group of predefined tools including at least a tool adapted to supply an individual entry from a menu of alternatives and at least a tool adapted to allow said user to compose said information, and	***means for indicating a particular one of said information fields into which information is to be inserted and for concurrently displaying a predefined tool associated with said one of said fields*** *[This is a means plus function element: The function is: indicating a particular one of the information fields into which information is to be inserted and* ***concurrently displaying*** *[displaying at the same time, as by a window overlaying the form]* ***a predefined tool associated with that particular field*** *[a tool specified by the system as an appropriate tool for filling in the information called for by that field]; The corresponding structure is: a microprocessor 211 (see Fig. 13) programmed with the algorithm that indicates the currently active information field and displays a tool 1503-1515 (see Fig. 15) an associated "controller"-220 and/or 219 (see Fig. 1 & 13), and a "display"-21 and/or (16 and 18)). (See Fig. 13; Col. 13: 31-51; 57-58; 64-68; Col. 14: 1-20; 25-29)], said predefined tool*
	said predefined tool being operable to supply information of the kind identified for said one field, said tool being selected from a group of predefined tools including at least a tool adapted to supply an individual entry from a menu of alternatives and at least ***a tool adapted to allow said user to compose said information*** [*a graphical keyboard tool or a graphical number keypad tool, which allows the user to compose information by pointing to the display keys of that tool*], and
means for inserting in said one field information that is derived as a result of said user operating said displayed tool.	***means for inserting in said one field information that is derived as a result of said user operating said displayed tool***
	[This is a means plus function element. The function is: inserting in a particular field information that is derived as a result of the user operating the displayed tool. The corresponding structure is: a microprocessor 211 (see Fig. 13) with the algorithm that inserts information derived from a tool into an information field 1512, 1523-

	24, 1526, 1530 (see Fig. 15) and an associated "controller"-220 and/or 219. (See Figs. 13; Col. 11: 57-58; Col. 13:68-Col.14: 4; Col. 14: 50-Col. 15:19)].
CLAIM 2	
The arrangement set forth in claim 1 wherein said group of predefined tools further includes a tool which displays transitory information, said transitory information being changed periodically.	The arrangement set forth in claim 1 wherein said group of predefined tools further includes a tool which displays ***transitory information*** [*information that is changed from time to time*], said **transitory information** being changed periodically.
CLAIM 4	
The arrangement set forth in claim 1 wherein said tool adapted to allow said user to compose said information includes at least a number pad, a keyboard, and a calculator.	The arrangement set forth in claim 1 wherein said tool adapted to allow said user to compose said information includes at least a number pad, a keyboard, and calculator.
CLAIM 6	
The arrangement set forth in claim 1 wherein said display includes a touch-sensitive screen overlaying said display.	The arrangement set forth in claim 1 wherein said display includes a touch-sensitive screen overlaying said display.
CLAIM 7	
The arrangement set forth in claim 1 wherein at least one of said fields is a bit-mapped-graphics field adapter to allow said user to compose said information by writing on said bit-mapped-graphics field.	The arrangement set forth in claim 1 wherein at least one of said fields is a ***bit-mapped-graphics field*** [*a field into which a user is to enter information by writing a touch-sensitive screen using a stylus*] adapter to allow said user to compose said information by writing on said bit-mapped-graphics field.
CLAIM 10	
An arrangement for use in a computer having a display comprising	An arrangement for use in a computer having a display comprising
means for displaying a plurality of information fields and for identifying for each field a kind of information to be inserted therein,	***means for displaying a plurality of information fields and for identifying for each field a kind of information to be inserted therein*** *[This is a means plus function element. The function is: displaying on the display a pattern including a plurality of information fields and identifying for each field a kind of information to be inserted therein. The corresponding structure is: a microprocessor 211 programmed with the algorithm that displays a form 1501-1502, an associated controller-220 and/or 219-and a display-21 and/or (16 and 18).(see Fig. 13, Col. 11:57-58; Fig. 15, Col. 13:24-31; Col. 11:62-64; Col. 12: 8-11)],*
means for storing a plurality of predefined tools associated with respective ones of said fields, each	***means for storing a plurality of predefined tools associated with respective ones of said fields*** *[This is a means plus function element. The function is: storing a plurality of predefined tools associated with*

of said tools being adapted to supply information of the kind identified for its associated field, and	*respective ones of said fields. The corresponding structure is: a microprocessor 211, hard disk 214, memory management circuitry 212, and interrupt controller 218. (See Col. 11:57-61; Col.15:39-45)],*
	each of said tools being adapted to supply information of the kind identified for its associated field, and
means responsive to information being inserted in at least one of said fields for indicating another of said fields to be filled in and for concurrently displaying the respective one of said tools to be used by the user to supply the kind of information identified for said other field.	***means responsive to information being inserted in at least one of said fields for indicating another of said fields to be filled in and for concurrently displaying the respective one of said tools to be used by the user to supply the kind of information identified for said other field.***
	[This is a means plus function element. The Function is: in response to information being inserted in one of the fields, indicating another of the fields to be filled in and concurrently displaying the respective one of said tools to be used by the user to supply the information identified for the other field. The corresponding structure is: microprocessor 211 programmed with the algorithm that indicates the currently active information field and displays a tool 1528-29, 1504-1515, an associated controller-220 and/or 219-and a "display"-21 and/or (16 and 18). (See Figs. 15 & 16; Col. 15:3-13; Col. 13:31-68; Col. 14:1-20)].
CLAIM 11	
The arrangement set forth in claim 10 wherein said one tool is selected from a group of tools including (a) a menu tool which displays a plurality of predefined items in which said user selects one of said items to be inserted in the associated field by pointing to that item, and (b) a tool adapted to allow said user to compose the information to be inserted in the associated field.	The arrangement set forth in claim 10 wherein said one tool is selected from a group of tools including (a) a menu tool which displays a plurality of predefined items in which said user selects one of said items to be inserted in the associated field by pointing to that item, and (b) **a tool adapted to allow said user to compose the information** to be inserted in the associated field.
CLAIM 12	
The arrangement set forth in claim 11 wherein said group of tools further includes a tool which displays information which is changed periodically so that the information that is to be inserted in the associated field is current.	The arrangement set forth in claim 11 wherein said group of tools further includes a tool which displays information which is changed periodically so that the information that is to be inserted in the associated field is current.
CLAIM 13	
The arrangement set forth in claim 10	The arrangement set forth in claim 10 wherein said plurality of

wherein said plurality of predefined tools includes at least a number pad, a keyboard, and a calculator.	predefined tools includes at least a number pad, a keyboard, and a calculator.
CLAIM 15	
The arrangement set forth in claim 10 wherein said display involves a touch-sensitive screen overlaying said display.	The arrangement set forth in claim 10 wherein said display involves a touch-sensitive screen overlaying said display.
CLAIM 16	
The arrangement set forth in claim 10 wherein at least one of said fields is a bit-mapped-graphics field adapted to allow said user to compose said information by writing in said bit-mapped-graphics field.	The arrangement set forth in claim 10 wherein at least one of said fields is a **bit-mapped-graphics field** adapted to allow said user to compose said information by writing in said bit-mapped-graphics field.
CLAIM 19	
A method for use in a computer having a display comprising the steps of displaying on said display a plurality of information fields,	A method for use in a computer having a display comprising the steps of displaying on said display a plurality of information fields,
identifying for each field a kind of information to be inserted therein,	identifying for each field a kind of information to be inserted therein,
indicating a particular one of said information fields into which information is to be inserted and for concurrently displaying a predefined tool associated with said one of said fields, said predefined tool being operable to supply information of the kind identified for said one field, said tool being selected from a group of predefined tools including a tool adapted to supply an individual entry from a menu of alternatives and at least a tool adapted to allow said user to compose said information, and	indicating a particular one of said information fields into which information is to be inserted and for **concurrently displaying a predefined tool associated with said one of said fields,** said predefined tool being operable to supply information of the kind identified for said one field, said tool being selected from a group of predefined tools including a tool adapted to supply an individual entry from a menu of alternatives and at least a **tool adapted to allow said user to compose said information,** and
inserting in said one field information that is derived as a result of said user operating said displayed tool.	inserting in said one field information that is derived as a result of said user operating said displayed tool.
The method set for claim 19 wherein the step of displaying said pattern includes the step of displaying one or more of said information fields as a bit-mappedgraphics field.	The method set for claim 19 wherein the step of displaying said pattern includes the step of displaying one or more of said information fields as a **bit-mapped-graphics field.**

EXHIBIT B-GLOSSARY OF TERMS

Predefined tools associated with said one of said fields-refers to a tool specified by the system as an appropriate tool for filling in the information called for by that field.

Concurrently displaying-displaying at the same time, as by a window overlaying the form.

Transitory information-Information that is changed from time to time

Bit-mapped-graphics field-refers to a field into which a user is to enter information by writing on a touch sensitive screen using a stylus.

A tool adapted to allow said user to compose said information-means a graphical keyboard tool or a graphical number keypad tool, which allows the user to compose information by pointing to the display keys of that tool.

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