

February 20, 2013

**BY EDIS**

The Honorable Thomas B. Pender  
Administrative Law Judge  
U.S. International Trade Commission  
500 E Street SW, Room 317  
Washington, DC 20436

Re: 337-TA-825: *Certain Silicon Microphone Packages and Products Containing Same*

Dear Judge Pender:

I write on behalf of Complainant Knowles Electronics, LLC, in connection with the above-referenced investigation, to inform the Administrative Law Judge that the United States District Court for the Northern District of Illinois issued an opinion yesterday, on a motion for reconsideration, construing the claim term “attaching a plurality of package covers” in method claim 21 of the ‘049 Patent to mean “attaching more than one package cover.” See *Knowles Electronics, LLC v. Analog Devices Inc.*, No. 11 C 6804 (N.D. Ill. Feb. 19, 2013) (Lefkow, J.). The opinion is enclosed.

Sincerely,

/s/ Robert T. Haslam

Robert T. Haslam

Enclosure  
cc: Counsel of Record

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>KNOWLES ELECTRONICS, LLC ,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>No. 11 C 6804</b>
<b>vs.</b>	)	
	)	<b>Hon. Joan H. Lefkow</b>
<b>ANALOG DEVICES INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**OPINION AND ORDER**

Presently before the court is Knowles Electronics, LLC’s (“Knowles”) motion for reconsideration of the court’s claim construction ruling. Knowles alleges that Analog Devices Inc. (“ADI”) infringed, *inter alia*, claim 21 of United States Patent Number 8,018,049 (the ’049 patent). Claim 21 is directed to the method of constructing a microphone package and states that construction of the package includes “attaching a plurality of package covers.” The court construed this phrase to mean “attaching a layer comprising a plurality of interconnected package covers.” Dkt. 118 at 3. Knowles seeks reconsideration of that ruling and requests that the court construe the phrase to mean “attaching more than one package cover.” Knowles Mot. at 13. For the following reasons, Knowles’ motion for reconsideration is granted.

**LEGAL STANDARD**

Federal Rule of Civil Procedure 54(b) states that a court may reconsider an interlocutory ruling “at any time before the entry of a judgment adjudicating all the claims and all the parties’ rights and liabilities.” Fed. R. Civ. P. 54(b). Motions for reconsideration serve the limited purpose to correct manifest errors of law or fact or to present newly discovered evidence.

*Rothwell Cotton Co. v. Rosenthal & Co.*, 827 F.2d 246, 251 (7th Cir. 1987). A motion to

reconsider serves an important function where the “court has misunderstood a party, where the court has made a decision outside the adversarial issues presented to the court by the parties, where the court has made an error of apprehension (not of reasoning), where a significant change in the law has occurred, or where significant new facts have been discovered.” *Broaddus v. Shields*, 665 F.3d 846, 860 (7th Cir. 2011) (citing *Bank of Waunakee v. Rochester Cheese Sales, Inc.*, 906 F.2d 1185, 1191 (7th Cir. 1990)). The Federal Circuit has also noted that “[d]istrict courts may engage in a rolling claim construction, in which the court revisits and alters its interpretation of the claim terms as its understanding of the technology evolves.” *Jack Guttman, Inc. v. Kopykake Enter., Inc.*, 302 F.3d 1352, 1361 (Fed. Cir. 2002). Motions for reconsideration of a claim construction may be raised at any time during the proceedings. *See Bone Care Int’l, LLC v. Pentech Pharm., Inc.*, 08-cv-1083, 2010 WL 3023423, at \*1 (N.D. Ill. July 30, 2010).

## BACKGROUND

### I. The '049 Patent

Claim 21 of the '049 patent is a method claim that teaches how to assemble the microphone package. The claim states,

A method of manufacturing a silicon condenser microphone package comprising:

providing a panel comprising a plurality of interconnected package substrates, where each of the plurality of package substrates comprises at least one layer of conductive material and at least one layer of non-conductive material;

attaching a plurality of silicon condenser microphone dice to the plurality of package substrates, one die to each package substrate;

attaching a plurality of package covers, each comprising at least one layer of conductive material, to the panel, one package cover to each of the package substrates, where attaching the plurality of package covers to the panel comprises electrically connecting the at least one layer of conductive material in the package

cover to the at least one layer of conductive material in the corresponding package substrate to form a shield against electromagnetic interference; and

separating the panel into a plurality of individual silicon condenser microphone packages.

Col. 13 ll. 34–Col. 14 ll. 18. The '049 patent's abstract also details the microphone package assembly: “[t]he method for manufacturing the silicon condenser microphone package involves placement of a plurality of silicon condenser microphone dies on a panel of printed circuit board material, placement of covers over each of the silicon condenser microphone dies, and then separating the panel into individual packages.” '049 Patent Abstract.

The Detailed Description of the Invention further elucidates on the scope and the benefits of the invention. First, the Detailed Description states that the invention included multiple embodiments,

While the invention is susceptible of embodiments in many different forms, there is shown in the drawings and will herein be described in detail several possible embodiments of the invention with the understanding that the present disclosure is to be considered as an exemplification of the principles of the invention and is not intended to limit the broad aspect of the invention to the embodiments illustrated.

Col. 3 ll. 3–9.

The Detailed Description also identifies the benefits of the invention in that it was capable of mass production of microphone packages,

The benefits of the microphone packages disclosed herein over microphone packaging utilizing plastic body/lead frames include the ability to process packages in panel form allowing more units to be formed per operation and at much lower cost. The typical lead frame for a similarly functioning package would contain between 40 and 100 devices connected together. The present disclosure would have approximately 14,000 devices connected together (as a panel).

Col. 3 ll. 10–17. The specification also describes that the preferred embodiment was for mass assembly of microphone packages where the bottom, side, and top portions of the package were attached simultaneously,

The microphone packages **92** are distributed on the panel **90** in 14 x 24 array, or 336 microphone packages total. Fewer or more microphone packages may be disposed on the panel **90**, or on smaller or larger panels. As described herein in connection with the various embodiments of the invention, the microphone packages include a number of layers, such as top, bottom and side portions of the housing, environmental barriers, adhesive layers for joining the portions, and the like. To assure alignment of the portions as they are brought together, each portion may be formed to include a plurality of alignment apertures **94**. To simultaneously manufacture several hundred or even several thousand microphones, a bottom layer, such as described herein, is provided. A transducer, amplifier and components are secured at appropriate locations on the bottom layer corresponding to each of the microphones to be manufactured. An adhesive layer, such as a sheet of dry adhesive is positioned over the bottom layer, and a sidewall portion layer is positioned over the adhesive layer. An additional dry adhesive layer is positioned, followed by an environmental barrier layer, another dry adhesive layer and the top layer. The dry adhesive layers are activated, such as by the application of heat and/or pressure. The panel is then separated into individual microphone assemblies using known panel cutting and separating techniques.

Col. 11 ll. 39–63.

## **II. The Court’s Claim Construction**

In its claim construction ruling, the court noted that “[t]he issue is whether the term ‘attaching a plurality of package covers’ in claim 21 of the ’049 patent permits the construction that each package cover may be added individually to form each package rather than as a single layer that is later separated into individual package assemblies.” Dkt. 118 at 2. The court first found that the inventor stated how the benefits of the invention were directed toward mass production. The inventor stated that those benefits “include the ability to process packages in panel form allowing more units to be formed per operation and at much lower cost. . . . The

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