

1 Juanita R. Brooks, SBN 75934, brooks@fr.com  
 2 Seth M. Sproul, SBN 217711, sproul@fr.com  
 3 Frank Albert, SBN 247741, albert@fr.com  
 4 Joanna M. Fuller, SBN 266406, jfuller@fr.com  
 5 Robert M. Yeh, SBN 286018, ryeh@fr.com  
 6 Fish & Richardson P.C.  
 7 12390 El Camino Real  
 8 San Diego, CA 92130  
 9 Phone: 858-678-5070 / Fax: 858-678-5099

10 Ruffin B. Cordell, DC Bar No. 445801, *pro hac vice*, cordell@fr.com  
 11 Lauren A. Degnan, DC Bar No. 452421, *pro hac vice*, degnan@fr.com  
 12 Fish & Richardson P.C.  
 13 1000 Maine Avenue, S.W. Suite 1000  
 14 Washington, D.C. 20024  
 15 Phone: 202-783-5070 / Fax: 202-783-2331

16 Mark D. Selwyn, SBN 244180, mark.selwyn@wilmerhale.com  
 17 Wilmer Cutler Pickering Hale and Dorr LLP  
 18 950 Page Mill Road  
 19 Palo Alto, CA 94304  
 20 Phone: 650-858-6000 / Fax: 650-858-6100

Attorneys for Defendant/Counterclaim-Plaintiff Apple Inc.

*[Additional counsel identified on signature page.]*

21 UNITED STATES DISTRICT COURT  
 22 SOUTHERN DISTRICT OF CALIFORNIA

23 QUALCOMM INCORPORATED,

24 Plaintiff,

25 v.

26 APPLE INC.,

27 Defendant.

Case No. 3:17-CV-1375-DMS-MDD

**DEFENDANT AND  
 COUNTERCLAIM- PLAINTIFF APPLE  
 INC.'S RESPONSIVE CLAIM  
 CONSTRUCTION BRIEF**

Date: September 5, 2018  
 Time: 9:00 a.m.  
 Place: Courtroom 13A  
 Judge: Hon. Dana M. Sabraw

28 AND RELATED COUNTERCLAIMS.

**TABLE OF CONTENTS**

**Page**

1

2

3 I. U.S. PATENT NOS. 7,355,905; 7,760,559; AND 8,098,534.....1

4 A. “integrated circuit” (’905, cl. 1; ’559, cls. 1-3; ’534, cls. 1, 3,

5 4) .....1

6 B. “received on a first / second input to the integrated

7 circuit” (’905, cl. 1); “receiving power from at least one

8 first / second input to the integrated circuit” (’559, cl. 1) .....2

9 C. “during use” (’905, cl. 1; ’559, cls. 1, 2; ’534, cl. 1).....2

10 II. U.S. PATENT NOS. 7,383,453 AND 8,433,940 (the “Youngs

11 Patents”) .....3

12 A. “core” and “area” (’453, cls. 1, 2, 4) .....3

13 B. “sufficient to maintain the state information of the

14 instruction-processing circuitry” (’453, cls. 1, 2, 4) .....4

15 C. “power area” (’940, claims 9, 11) .....4

16 D. “real-time clock” (’940 patent, cls. 9, 11).....5

17 III. U.S. PATENT NOS. 8,271,812; 8,443,216; AND 8,656,196 .....6

18 A. “performance domain” (’812, cl. 8; ’216, cl. 1; ’196, cls. 1-

19 3) .....6

20 B. “power management unit” (’812, cl. 8; ’216, cls. 1-2; ’196,

21 cl. 1) .....7

22 C. “establish a . . . performance state” (’812, cl. 8; ’216, cl. 1;

23 ’196, cl. 1).....9

24 D. “a prior performance state at which the processor was

25 operating prior to entering the sleep state” (’812, cl. 8) ..... 10

26

27

28

**TABLE OF AUTHORITIES**

**Page(s)**

**Cases**

1  
2  
3  
4 *3M Innovative Proprs. Co. v. Tredegar Corp.*,  
5 725 F.3d 1315 (Fed. Cir. 2013) ..... 5  
6 *AIA Eng’g Ltd. v. Magotteaux Int’l S/A*,  
7 657 F.3d 1264 (Fed. Cir. 2011) ..... 4  
8 *BASF Corp. v. Johnson Matthey Inc.*,  
9 875 F.3d 1360 (Fed. Cir. 2017) ..... 4  
10 *Biogen Idec, Inc. v. GlaxoSmithKline LLC*,  
11 713 F.3d 1090 (Fed. Cir. 2013) ..... 1, 2  
12 *Enfish, LLC v. Microsoft Corp.*,  
13 822 F.3d 1327 (Fed. Cir. 2016) ..... 10  
14 *Free Motion Fitness, Inc. v. Cybex Int’l, Inc.*,  
15 423 F.3d 1343 (Fed. Cir. 2005) ..... 8  
16 *K-2 Corp. v. Salomon S.A.*,  
17 191 F.3d 1356 (Fed. Cir. 1999) ..... 9  
18 *Medversant Techs., L.L.C. v. Morrissey Assocs., Inc.*,  
19 No. CV 09-05031 MMM, 2011 WL 9527718 (C.D. Cal. Aug. 5, 2011)..... 5  
20 *Oatey Co. v. IPS Corp.*,  
21 514 F.3d 1271 (Fed. Cir. 2008) ..... 4, 7  
22 *Pitney Bowes, Inc. v. Hewlett-Packard Co.*,  
23 182 F.3d 1298 (Fed. Cir. 1999) ..... 8  
24 *Proprietect L.P. v. Johnson Controls, Inc.*,  
25 No. 12-12953, 2013 WL 6795238 (E.D. Mich. Dec. 23, 2013) ..... 8  
26  
27  
28

1 **I. U.S. PATENT NOS. 7,355,905; 7,760,559; AND 8,098,534**

2 **A. “integrated circuit”** (’905, cl. 1; ’559, cls. 1-3; ’534, cls. 1, 3, 4)

3 The claims, written description, and prosecution history all support a construction  
4 of “one or more circuit elements that are integrated onto a single semiconductor  
5 substrate.” (Ex. 4 ¶¶ 23–35.) The claim language requires that the integrated circuit  
6 contain a logic and memory circuit, and the written description uses the term similarly,  
7 adding the detail that the logic and memory circuits are “integrated onto a single  
8 semiconductor substrate (or chip).” (Ex. 1 at 2:61–63; *see also* Ex. 4 ¶ 29.)

9 Qualcomm’s arguments based on the claims and written description fail to support  
10 its construction.<sup>1</sup> In particular, the assertion that Apple’s construction does not give  
11 notice of the integrated circuit’s boundaries ignores the rest of the claims’ language.  
12 Other claim terms flesh out the details of what falls within the “integrated circuit,”  
13 requiring that the integrated circuit contain a coupled logic and memory circuit,  
14 consistent with Apple’s construction. Qualcomm also points to usage in the written  
15 description as somehow contradicting Apple’s construction. However, the passage  
16 Qualcomm cites is largely identical to Apple’s construction. The passage differs slightly  
17 in that it requires the presence of “the logic circuits 12 and the memory circuits,” but this  
18 is consistent with Apple’s “one or more circuit elements” construction. Qualcomm goes  
19 on to claim that the “integrated circuit” construction should contain the word  
20 “connected,” but Apple’s construction mirrors the language in the specification. Further,  
21 this argument ignores the full language of Apple’s construction, which requires that the  
22 circuit elements on the substrate be integrated.

23 Next, Qualcomm misapplies the prosecution history.<sup>2</sup> Qualcomm argues that a  
24 single sentence describing how the “integrated circuit has only one power supply input

25 <sup>1</sup> Qualcomm’s construction is inconsistent with the plain and ordinary meaning. And  
26 Qualcomm unsurprisingly fails to point to any of its dictionary definitions for  
27 support because they define “integrated circuit” as Apple does: as circuit elements  
28 integrated onto a substrate. (Ex. 4 ¶ 33.)

29 <sup>2</sup> Qualcomm points to no deviation from the plain and ordinary meaning where Apple  
30 “unequivocally and unambiguously disavowed” that meaning. *Biogen Idec, Inc. v.*

1 to the integrated circuit (ExtV<sub>DD</sub>, see Fig. 3)” requires that the integrated circuit must  
 2 include the entire chip. In so doing, Qualcomm ignores multiple paragraphs immediately  
 3 preceding this sentence that place it into context. The preceding three paragraphs discuss  
 4 in detail how the cited reference teaches a type of memory that does not receive a supply  
 5 voltage at all. (Ex. 4 ¶ 32.) The Response then cites this lack of a supply voltage to show  
 6 that the prior art reference does not contain two claim elements: (1) memory that is  
 7 “continuously supplied by the second supply voltage” and (2) “a first supply voltage  
 8 received on a first input to the integrated circuit; and ... a second supply voltage received  
 9 on a second input to the integrated circuit.” (*Id.*; see also *id.* at Ex. I.) Accordingly,  
 10 Qualcomm’s cited passage relates to the lack of a “supply voltage,” and does not limit  
 11 the boundary of an integrated circuit itself. This is far from the “unequivocally and  
 12 unambiguously” disavowing standard. *Biogen Idec, Inc.*, 713 F.3d at 1095.

13 **B. “received on a first / second input to the integrated circuit” (’905, cl. 1); “receiving power from at least one first / second input to the**  
 14 **integrated circuit” (’559, cl. 1)**

15 Apple’s construction is consistent with the claim language and comes directly from  
 16 the written description. Qualcomm’s added term “generated external to” does not.  
 17 Moreover, Qualcomm gives no explanation as to why its construction replaces the word  
 18 “power” with “voltage”—terms that describe two distinct aspects of electricity.

19 Instead of referring to the claims or written description, Qualcomm relies on the  
 20 same sentence in the prosecution history discussed above, which describes how the prior  
 21 art’s “integrated circuit has only one power supply input to the integrated circuit.” This  
 22 argument is both insufficient and incorrect. As discussed above, in context, this  
 23 discussion is demonstrating how the prior art has an integrated circuit with only one  
 24 power input, because its memory receives no power at all. This statement does not  
 25 disavow claim scope and does not require that the power be “generated external to the  
 26 integrated circuit.” (Ex. 4 ¶¶ 41-43.)

27 **C. “during use” (’905, cl. 1; ’559, cls. 1, 2; ’534, cl. 1)**

28 “Device use” is a common term that the claims and written description use in its

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.