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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

QUALCOMM INCORPORATED,

Plaintiff,

v.

APPLE INC.,

Defendant.

AND RELATED COUNTERCLAIMS.

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

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

A. "integrated circuit" ('905, cl. 1; '559, cls. 1-3; '534, cls. 1, 3, 4)

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

Qualcomm's arguments based on the claims and written description fail to support its construction.[1] In particular, the assertion that Apple's construction does not give notice of the integrated circuit's boundaries ignores the rest of the claims' language. Other claim terms flesh out the details of what falls within the "integrated circuit," requiring that the integrated circuit contain a coupled logic and memory circuit, consistent with Apple's construction. Qualcomm also points to usage in the written description as somehow contradicting Apple's construction. However, the passage Qualcomm cites is largely identical to Apple's construction. The passage differs slightly in that it requires the presence of "the logic circuits 12 and the memory circuits," but this is consistent with Apple's "one or more circuit elements" construction. Qualcomm goes on to claim that the "integrated circuit" construction should contain the word "connected," but Apple's construction mirrors the language in the specification. Further, this argument ignores the full language of Apple's construction, which requires that the circuit elements on the substrate be integrated.

Next, Qualcomm misapplies the prosecution history.[2] Qualcomm argues that a single sentence describing how the "integrated circuit has only one power supply input

[1] Qualcomm's construction is inconsistent with the plain and ordinary meaning. And Qualcomm unsurprisingly fails to point to any of its dictionary definitions for support because they define "integrated circuit" as Apple does: as circuit elements integrated onto a substrate. (Ex. 4 ¶ 33.)

[2] Qualcomm points to no deviation from the plain and ordinary meaning where Apple "unequivocally and unambiguously disavow[ed]" that meaning. *Biogen Idec, Inc. v.*

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

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 integrated circuit"** ('559, cl. 1)

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

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

C. "during use" ('905, cl. 1; '559, cls. 1, 2; '534, cl. 1)

"During use" is a common term that the claims and written description use in its

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