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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

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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.¹ 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.² Qualcomm argues that a
24 single sentence describing how the “integrated circuit has only one power supply input

25 ¹ 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 ² 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_{DD}, 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

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