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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

QUALCOMM INCORPORATED,
Plaintiff,
v.
APPLE INCORPORATED,
Defendant.

Case No.: 17cv1375 DMS(MDD)
ORDER CONSTRUING CLAIMS

APPLE INCORPORATED,
Counter Claimant,
v.
QUALCOMM INCORPORATED,
Counter Defendant.

This matter came before the Court for a claim construction hearing on September 5, 2018. Juanita Brooks, Katie Prescott, Christopher Green and Frank Albert appeared on behalf of Apple, and William Devitt, Keith Davis and John Michalik appeared on behalf of Qualcomm. After a thorough review of the parties' claim construction briefs and all other material submitted in connection with the hearing, the Court issues the following order construing the disputed terms of the patents at issue here.

I.**BACKGROUND**

There are eight Apple patents at issue in this case: United States Patents Numbers 7,355,905 (“the ‘905 Patent”), 7,760,559 (“the ‘559 Patent”), 8,098,534 (“the ‘534 Patent”), 8,443,216 (“the ‘216 Patent”), 8,271,812 (“the ‘812 Patent”), 8,656,196 (“the ‘196 Patent”), 7,383,453 (“the ‘453 Patent”) and 8,433,940 (“the ‘940 Patent”). In these eight patents, the parties dispute twelve terms. Those terms are: From the ‘905, ‘559 and ‘534 Patents, (1) “integrated circuit,” (2) “received on a first/second input to the integrated circuit”/ “receiving power from at least one first/second input to the integrated circuit” and (3) “during use.” From the ‘453 Patent, (4) “core,” (5) “area,” and (6) “wherein in a normal operation mode:...the core voltage is a first value that is sufficient to maintain the state information of the instruction-processing circuitry.” From the ‘940 Patent, (7) “power area” and (8) “real-time clock.” From the ‘812, ‘216 and ‘196 Patents, (9) “performance domain,” (10) “power management unit” and (11) “establish a ... performance state.”¹

II.**DISCUSSION**

Claim construction is an issue of law, *Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 372 (1996), and it begins “with the words of the claim.” *Nystrom v. TREX Co., Inc.*, 424 F.3d 1136, 1142 (Fed. Cir. 2005) (citing *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)). Generally, those words are “given their ordinary and customary meaning.” *Id.* (citing *Vitronics*, 90 F.3d at 1582). This ““is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention.”” *Id.* (quoting *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005)).

¹ Prior to the hearing, the parties also disputed another term from the ‘812, ‘216 and ‘196 Patents: “a prior performance state at which the processor was operating prior to entering the sleep state.” At the hearing, Qualcomm agreed to Apple’s proposed construction of this term. Therefore, the Court does not address that term in this Order.

1 “The person of ordinary skill in the art views the claim term in the light of the entire
2 intrinsic record.” *Id.* Accordingly, the Court must read the claims “in view of the
3 specification, of which they are a part.” *Id.* (quoting *Markman v. Westview Instruments,*
4 *Inc.*, 52 F.3d 967, 979 (Fed. Cir. 1995)). In addition, “the prosecution history can often
5 inform the meaning of the claim language by demonstrating how the inventor understood
6 the invention and whether the inventor limited the invention in the course of prosecution,
7 making the claim scope narrower than it would otherwise be.” *Id.* (quoting *Phillips*, 415
8 F.3d at 1318).

9 **A. The ‘905, ‘559 and ‘534 Patents**

10 The first three patents at issue are the ‘905, ‘559 and ‘534 Patents, which share a
11 common specification. As stated above, there are three terms at issue in these Patents: (1)
12 “integrated circuit,” (2) “received on a first/second input to the integrated circuit”/
13 “receiving power from at least one first/second input to the integrated circuit” and (3)
14 “during use.”

15 1. “Integrated circuit”

16 This term appears in claim 1 of the ‘905 Patent, claims 1, 2 and 3 of the ‘559 Patent,
17 and claims 1, 3 and 4 of the ‘534 Patent. Apple proposes this term be construed as “one or
18 more circuit elements that are integrated onto a single semiconductor substrate.”
19 Qualcomm proposes the term be construed as “a chip made up of connected circuit
20 elements.”

21 The Court adopts Apple’s proposed construction because it is more consistent with
22 the plain language of the term (“integrated”), and the specification. (*See* ‘905 Patent at
23 2:61-63) (“The integrated circuit 10 may generally comprise the logic circuits 12 and the
24 memory circuits 14 integrated onto a single semiconductor substrate (or chip).”)² In
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28 ² The Court has also reviewed the prosecution history cited by Qualcomm in support of its
proposed construction. (*See* Decl. of Kelly V. O’Donnell in Supp. of Qualcomm’s Opening

1 contrast, Qualcomm’s proposed construction substitutes the concept of “integrated” with
2 “connected,” and describes the “integrated circuit” as the chip itself rather than multiple
3 circuit elements *integrated onto* a chip. For these reasons, the Court adopts Apple’s
4 proposed construction of “integrated circuit.”

5 2. “Received on a first/second input to the integrated circuit”/“Receiving power
6 from at least one first/second input to the integrated circuit”

7 These terms appear in claim 1 of the ‘905 Patent and claim 1 of the ‘559 Patent.
8 Apple urges the Court to construe the first term as “provided to the integrated circuit on a
9 first/second input,” and the second term as “provided power from at least one first/second
10 input to the integrated circuit.” Qualcomm requests the Court construe the first term as
11 “generated external to the integrated circuit and connected to the integrated circuit on a
12 first/second input,” and the second term as “supplied by a first/second supply voltage
13 generated external to the integrated circuit and connected to the integrated circuit on at
14 least one first/second input.”

15 The Court has reviewed the parties’ arguments on these terms, as well as the intrinsic
16 evidence cited by the parties, and declines to adopt either party’s proposed construction.
17 Apple’s proposed constructions simply substitute “provided” for “received,” and otherwise
18 just rearrange the terms. Qualcomm’s proposed constructions substitute “supplied” for
19 “received,” and add a new concept, namely that the supply voltage be “generated external
20 to the integrated circuit,” which is the parties’ main point of disagreement. Qualcomm
21 relies on the prosecution history to support the inclusion of this concept in its proposed
22 construction, but the prosecution history does not provide that support. Nevertheless, that
23 concept is inherent in the use of the word “input,” and is thus unnecessary. Therefore, the
24 Court declines to adopt either party’s proposed constructions of these terms, and instead
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28 Claim Construction Br., Ex. S.) That evidence, however, does not support Qualcomm’s
proposal.

1 construes these terms according to their plain and ordinary meaning and consistent with
2 the discussion above.

3 3. “During use”

4 The final disputed term from these Patents is “during use.” This term appears in
5 claim 1 of the ‘905 Patent, claim 1 of the ‘534 Patent and claims 1 and 2 of the ‘559 Patent.
6 Apple urges the Court to construe this term according to its plain and ordinary meaning, or
7 as “while operating.” Qualcomm argues the term is indefinite.

8 To satisfy its burden on indefiniteness, Qualcomm must “demonstrate by clear and
9 convincing evidence that one of ordinary skill in the relevant art could not discern the
10 boundaries of the claim based on the claim language, the specification, the prosecution
11 history, and the knowledge in the relevant art.” *Haemonetics Corp. v. Baxter Healthcare*
12 *Corp.*, 607 F.3d 776, 783 (Fed. Cir. 2010) (citing *Halliburton Energy Servs., Inc. v. M-I*
13 *LLC*, 514 F.3d 1244, 1249-50 (Fed. Cir. 2008)). That burden is not met here, and thus the
14 Court rejects Qualcomm’s argument that the term “during use” is indefinite. Rather, the
15 Court finds this term should be construed in accordance with Apple’s proposal, namely
16 that the plain and ordinary meaning applies.

17 **B. The ‘453 Patent**

18 Turning to the ‘453 Patent, there are three terms at issue: (1) “core,” (2) “area,” and
19 (3) “wherein in a normal operation mode: ...the core voltage is a first value that is sufficient
20 to maintain the state information of the instruction-processing circuitry.” Each of these
21 terms appears in claims 1, 2 and 4 of the ‘453 Patent.

22 1. “Core”/”Area”

23 The parties discuss the first two terms, “core” and “area,” together. Apple asserts
24 “core” should be construed according to its plain and ordinary meaning, or as “a logical or
25 physical instruction processing mechanism.” As for “area,” Apple proposes it be construed
26 as “a portion of the processor excluding a core.” Qualcomm contends each of these terms
27 is indefinite.

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