

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, *appearing pro hac vice*, cordell@fr.com
11 Lauren A. Degnan, DC Bar No. 452421, *appearing 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

21 Attorneys for Defendant/Counterclaim-Plaintiff Apple Inc.

22 *[Additional counsel identified on signature page.]*

23 UNITED STATES DISTRICT COURT
24 SOUTHERN DISTRICT OF CALIFORNIA

25 QUALCOMM INCORPORATED,

26 Plaintiff,

27 v.

28 APPLE INC.,

Defendant.

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

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

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

AND RELATED COUNTERCLAIMS.

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I. INTRODUCTION.....1

II. LEGAL STANDARDS FOR CLAIM CONSTRUCTION.....1

III. U.S. PATENT NOS. 7,355,905; 7,760,559; AND 8,098,534.....2

 A. “integrated circuit” (’905 patent, claim 1; ’559 patent, claims 1, 2, 3; ’534 patent, claims 1, 3, 4).....3

 B. “received on a first / second input to the integrated circuit” (’905 patent, claim 1); “receiving power from at least one first / second input to the integrated circuit” (’559 patent, claim 1).....4

 C. “during use” (’905 patent, claim 1; ’559 patent, claims 1, 2; ’534 patent, claim 1).....6

IV. U.S. PATENT NOS. 7,383,453 AND 8,433,9407

 A. “core” and “area” (’453 patent, claims 1, 2, 4)8

 B. “sufficient to maintain the state information of the instruction-processing circuitry” (’453 patent, claims 1, 2, 4) 11

 C. “power area” (’940 patent, claims 9, 11)..... 14

 D. “real-time clock” (’940 patent, claims 9, 11) 15

V. U.S. PATENT NOS. 8,271,812; 8,443,216; AND 8,656,196..... 16

 A. “performance domain” (’812 patent, claim 8; ’216 patent, claim 1; ’196 patent, claims 1, 2, 3)..... 17

 B. “power management unit” (’812 patent, claim 8; ’216 patent, claims 1, 2; ’196 patent, claim 1)..... 19

 C. “establish a . . . performance state” (’812 patent, claim 8; ’216 patent, claim 1; ’196 patent, claim 1) 22

 D. “a prior performance state at which the processor was operating prior to entering the sleep state” (’812 patent, claim 8)..... 23

VI. CONCLUSION..... 25

TABLE OF AUTHORITIES

Page(s)

Cases

1		
2		
3	Cases	
4	<i>Accent Packaging, Inc. v. Leggett & Platt, Inc.</i> ,	
5	707 F.3d 1318, 1325–26 (Fed. Cir. 2013)	18
6	<i>Action Star Enter. Co. v. KaiJet Tech. Int'l Ltd.</i> ,	
7	No. CV-1208074-BRO-MRX, 2014 WL 12595331 (C.D. Cal. Jan. 27,	
8	2014)	15
9	<i>ALA Eng'g Ltd. v. Magotteaux Int'l S/A</i> ,	
10	657 F.3d 1264 (Fed. Cir. 2011)	13
11	<i>Biosig Instruments, Inc. v. Nautilus, Inc.</i> ,	
12	783 F.3d 1374 (Fed. Cir. 2015)	2
13	<i>Cadence Pharm., Inc. v. Exela PharmSci Inc.</i> ,	
14	780 F.3d 1364 (Fed. Cir. 2015)	16
15	<i>Cal. Inst. of Tech. v. Hughes Commc'ns Inc.</i> ,	
16	35 F. Supp. 3d 1176 (C.D. Cal. 2014)	10
17	<i>Carl Zeiss Vision Int'l GMBH v. Signet Armorlite, Inc.</i> ,	
18	No. 07-cv-0894 DMS (POR), 2008 WL 4951984 (S.D. Cal. June 2,	
19	2008) (Sabraw, J.)	20
20	<i>CytoLogix Corp. v. Ventana Med. Sys., Inc.</i> ,	
21	424 F.3d 1168 (Fed. Cir. 2005)	24
22	<i>dunnhumby USA, LLC v. emnos USA Corp.</i> ,	
23	No. 13-CV-0399, 2015 WL 1542365 (N.D. Ill. Apr. 1, 2015)	10
24	<i>Enthone Inc. v. BASF Corp.</i> ,	
25	No. 1:15-CV-0233-TJM-DEP, 2016 WL 6679493 (N.D.N.Y. June 17,	
26	2016), <i>report and recommendation adopted</i> , No. 1:15-CV-233, 2016 WL	
27	4257355 (N.D.N.Y. Aug. 11, 2016)	16
28	<i>GE Lighting Solutions, LLC v. AgiLight, Inc.</i> ,	
29	750 F.3d 1304 (Fed. Cir. 2014)	1, 2
30	<i>i4i Ltd. P'ship v. Microsoft Corp.</i> ,	
	598 F.3d 831 (Fed. Cir. 2010), <i>aff'd</i> , 564 U.S. 91 (2011)	19

1 *Interactive Gift Exp., Inc. v. Compuserve Inc.*,
 256 F.3d 1323 (Fed. Cir. 2001)23

2

3 *Nautilus, Inc. v. Biosig Instruments, Inc.*,
 134 S. Ct. 2120 (2014)2

4

5 *Oatey Co. v. IPS Corp.*,
 514 F.3d 1271 (Fed. Cir. 2008)13

6

7 *Omega Eng'g, Inc. v. Raytek Corp.*,
 334 F.3d 1314 (Fed. Cir. 2003)2

8

9 *Pactiv, LLC v. Multisorb Techs., Inc.*,
 No. 10 C 461, 2013 WL 120234 (N.D. Ill. Jan. 9, 2013), *aff'd*, 621 F.
 App'x 665 (Fed. Cir. 2015)12

10

11 *Phillips v. AWH Corp.*,
 415 F.3d 1303 (Fed. Cir. 2005)1, 2

12

13 *Pitney Bowes, Inc. v. Hewlett-Packard Co.*,
 182 F.3d 1298 (Fed. Cir. 1999)20

14

15 *Power-One, Inc. v. Artesyn Techs., Inc.*,
 599 F.3d 1343 (Fed. Cir. 2010)23

16

17 *TASER Int'l, Inc. v. Stinger Sys.*,
 No. 2:09-cv-289-MMD-PAL, 2012 WL 3562371 (D. Nev. Aug. 16,
 2012)12

18

19 *Thorner v. Sony Computer Entm't Am. LLC*,
 669 F.3d 1362 (Fed. Cir. 2012)1

20

21 *Viasat, Inc. v. Space Sys./Loral, Inc.*,
 No. 3:12-cv-00260-H, 2013 WL 12061852 (S.D. Cal. May 29, 2013)18

22

23 *Wi-Fi One, LLC v. Broadcom Corp.*,
 887 F.3d 1329 (Fed. Cir. 2018)13

24 **Statutes**

25 35 U.S.C. § 282(a)2

26

27

28

1 **I. INTRODUCTION**

2 Proper claim construction begins with the plain meaning of terms informed by
3 the intrinsic evidence. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1314-15 (Fed. Cir. 2005).
4 For this reason, a usage consistent with and supported by the specification and the
5 embodiments within a patent is almost always the proper construction. *Id.* at 1316.
6 Deviations from the specification are unusual and justified by only an unmistakably clear
7 disclaimer. *GE Lighting Solutions, LLC v. AgiLight, Inc.*, 750 F.3d 1304, 1309 (Fed. Cir.
8 2014). Qualcomm nonetheless repeatedly violates these elementary tenets. Qualcomm
9 artificially restricts the claimed inventions by adding limitations that do not exist, relying
10 on cherry-picked specification quotes that Qualcomm misapplies to contradict the
11 complete teachings of the patents—sometimes embodiments described in the very next
12 sentence. Qualcomm also conjures indefiniteness arguments for nearly every asserted
13 claim—arguments that deny the plain language of the claims, deviate from the written
14 description, and disregard the knowledge of one of skill in the art.

15 For these reasons, Qualcomm’s constructions should be rejected. Apple’s
16 constructions, on the other hand, find solid support in the law and fit with the plain
17 meaning of the disputed terms and the intrinsic and extrinsic evidence.

18 **II. LEGAL STANDARDS FOR CLAIM CONSTRUCTION**

19 “It is a ‘bedrock principle’ of patent law that ‘the claims of a patent define the
20 invention to which the patentee is entitled the right to exclude,’” and as such claim
21 construction must focus on the claim language itself. *Phillips*, 415 F.3d at 1312. The
22 construction “that stays true to the claim language and most naturally aligns with the
23 patent’s description of the invention will be, in the end the correct construction.” *Id.* at
24 1316. Claim terms “are generally given their ordinary and customary meaning” as
25 understood by the skilled artisan at the time of the invention. *Id.* at 1313. “There are
26 only two exceptions to this general rule: 1) when a patentee sets out a definition and acts
27 as his own lexicographer; or 2) when the patentee disavows the full scope of a claim term

28 either in the specification or during prosecution.” *Thermon, Saw, Computer Entm’t, Am.*

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.