UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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

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

Case No.: 17cv1375 DMS(MDD)

ORDER CONSTRUING CLAIMS

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)).

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[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.

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

A. The '905, '559 and '534 Patents

The first three patents at issue are the '905, '559 and '534 Patents, which share a common specification. As stated above, there are three terms at issue in these 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."

1. "Integrated circuit"

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

The Court adopts Apple's proposed construction because it is more consistent with the plain language of the term ("integrated"), and the specification. (*See* '905 Patent at 2:61-63) ("The integrated circuit 10 may generally comprise the logic circuits 12 and the memory circuits 14 integrated onto a single semiconductor substrate (or chip).")[2] In

[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

contrast, Qualcomm's proposed construction substitutes the concept of "integrated" with "connected," and describes the "integrated circuit" as the chip itself rather than multiple circuit elements *integrated onto* a chip. For these reasons, the Court adopts Apple's proposed construction of "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"

These terms appear in claim 1 of the '905 Patent and claim 1 of the '559 Patent. Apple urges the Court to construe the first term as "provided to the integrated circuit on a first/second input," and the second term as "provided power from at least one first/second input to the integrated circuit." Qualcomm requests the Court construe the first term as "generated external to the integrated circuit and connected to the integrated circuit on a first/second input," and the second term as "supplied by a first/second supply voltage generated external to the integrated circuit and connected to the integrated circuit on at least one first/second input."

The Court has reviewed the parties' arguments on these terms, as well as the intrinsic evidence cited by the parties, and declines to adopt either party's proposed construction. Apple's proposed constructions simply substitute "provided" for "received," and otherwise just rearrange the terms. Qualcomm's proposed constructions substitute "supplied" for "received," and add a new concept, namely that the supply voltage be "generated external to the integrated circuit," which is the parties' main point of disagreement. Qualcomm relies on the prosecution history to support the inclusion of this concept in its proposed construction, but the prosecution history does not provide that support. Nevertheless, that concept is inherent in the use of the word "input," and is thus unnecessary. Therefore, the Court declines to adopt either party's proposed constructions of these terms, and instead

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Claim Construction Br., Ex. S.) That evidence, however, does not support Qualcomm's proposal.

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

3. "During use"

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

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

B. The '453 Patent

Turning to the '453 Patent, there are three terms at issue: (1) "core," (2) "area," and (3) "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." Each of these terms appears in claims 1, 2 and 4 of the '453 Patent.

1. "Core"/"Area"

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

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