1	IN THE UNITED STATES DISTRICT COURT
2	IN AND FOR THE DISTRICT OF DELAWARE
3	
4	VLSI TECHNOLOGY LLC, : CIVIL ACTION
5	Plaintiff, :
6	vs.
7	INTEL CORPORATION, :
8	Defendant. : NO. 18-966 (CFC)
9	Delendant. : NO. 16-966 (Crc)
10	
11	Wilmington, Delaware Tuesday, November 6, 2019
12	9:00 o'clock, a.m.
13	
14	BEFORE: HONORABLE COLM F. CONNOLLY, U.S.D.C.J.
15	
16	APPEARANCES:
17	AF F BAIGHOLD.
18	FARNAN LLP BY: BRIAN E. FARNAN, ESQ.
19	DI. DRIM E. PMMM, ESQ.
20	-and-
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22	
23	
24	Valerie J. Gunning Official Court Reporter
25	Official Court Reporter

1 APPEARANCES (Continued): 2		2		
1 RELL & MARELA LID 2 OWN SIX CHRISTORNER ABEINETHY & SO. DOMN SIX SLUSARCYNC EQ. 3 EXP (HATENDAL), EQ. 6 EXP (HATENDAL), EQ. 6 EXP (HATENDAL), EQ. 6 (I) SA Angines, California) 7 Coursel for Plainiff 8 MORRIS, NICHORS, ARRAT & TUNNET LITIP 8 Y JACK & BUMBENFELD, ESQ. 1 and 1 THE COURT: Good morning, Please be seated. 1 (Coursel respond "Good morning, Your Honor.") 1 mrd. 2 WILLIER CUTTLER PICKERING HALE AND DORR LIP 1 BY JORNING, F. MASSA, FSQ. 1 (Resona, Massachusettis) 1 FINE COURT: Mile Fight, Ed. 1 FINE COURT: Mile Fight, Ed. 1 FINE COURT: Mile Fight, Ed. 1 Fine Coursel for Beinriff, And with me is Chris 1 Abernathy, Domninis Busachusettis, John State and Ben 1 Hattenbeen, all from trell Monella. 2 WILLIES CUTTLER PICKERING HALE AND DORR LIP 1 BY JOSHIAL STEEN, ESQ. 1 AND	1	APPEARANCES (Continued):		4
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2 BOMINIS SUBSECTION SOLD STATE OF THE COURT OF PARTIES OF THE COURT OF THE COURT OF THE PARTIES OF THE COURT OF THE COUR	3	IRELL & MANELLA LLP	1	PROCEEDINGS
S. AD INA STOLL, ESO, and (James Ageles, California) 6 (Jam Angeles, California) 7 Courset for Plaintiff 8 MORRY MICHOLS A PRATE & TUNNELL LLP BY JACK & BLUMENFELD ESO. 7 (Caurset respond, "Good morning, Please be seated (Caurset respond, "Good morning, Sour Henor") 11 and 12 WILLER PLOKERING HALE AND DORR LLP DY JACK & BLUMENFELD ESO. 13 MORRY MICHOLS AREA (James Age) 14 WILLER PLOKERING HALE AND DORR LLP DY JACK & BLUMENFELD ESO. 15 AND JAMES AGENCY AND THE PROPERTY OF THE PROPERTY O	4		,	
Counsel for Plaintiff	5	S. ADINA STOHL, ESQ. and		
## Degining at 9:00 a.m.) ## THE COURT. Good morning. Please be seated. ## Counsel respond. "Good morning. Your Honor." A counsel respond. Tood morning. Your Honor. Brian PLE COURT. All right. 50 all guess, Mr. Farnan? ## WILLIER DUTIER PLOKERING HALE AND DORR LLP BY JOSHUA L. STRING ESO. ## READ AND THE BRIAN			3	(Proceedings commenced in the courtroom
MORRIS, NICHOLS, ARSHIT & TUNNELL LLP SY, JACK & BLUMENED, ESO, SY, JA		Councel for Digintiff		
MORRIS NICHOLS, ARSHIT & TUNNELL LLP 8Y JACK & BLUMENFELD, ESQ. 11and- 12and- 13and- 14and- 15and- 15and- 16and- 17and- 18and- 18and- 19and- 19and- 19and- 19and- 10and- 10and- 10and- 11and- 12and- 13and- 14and- 15and- 15and- 15and- 16and- 17and- 18and- 19and- 19and- 19and- 10and- 10and- 11and- 12and- 13and- 14and- 15and- 15and- 15and- 16and- 17and- 18and- 18and- 19and- 19and- 19and- 19and- 19and- 10and- 11and- 12and- 13and- 14and- 15and- 15and- 16and- 17and- 18and- 18and- 19and- 19and- 19and- 19and- 19and- 10and- 11and- 11and- 12and- 13and- 14and- 15and- 15and- 16and- 17and- 18and- 18and- 19and- 19and- 19and- 19and- 19and- 10and- 11and- 11and- 12and- 13and- 14and- 15and- 15and- 16and- 17and- 18and- 18and- 19and- 19		Counsel for Plaintill		
BY: JACK B: BLUMENFELD: ESQ. 7			6	THE COURT: Good morning. Please be seated.
### COURT. All right. Sol gless, Mr. Farana? ### COURT. All right. Sol gless, Mr. Farana? ### COURT. All right.			7	(Counsel respond, "Good morning, Your Honor.")
MR. FARMAN Yes, Your Honor. Good morning. THE COURT: Welcome. THE COURT THE PICKERING HALE AND DORR LLP BY: DOMINIC E. MASSA ESQ. (Rosdon, Massachusetts) WILMER CUTLER PICKERING HALE AND DORR LLP BY: CHARLE L. CERROR ESQ. (Washington, D.C.) WILMER CUTLER PICKERING HALE AND DORR LLP BY: CHARLE L. CERROR ESQ. (Washington, D.C.) WILMER CUTLER PICKERING HALE AND DORR LLP BY: CHARLE L. CERROR ESQ. (Washington, D.C.) WILMER CUTLER PICKERING HALE AND DORR LLP BY: CHARLE L. CERROR ESQ. (Washington, D.C.) WILMER CUTLER PICKERING HALE AND DORR LLP. BY: S. CALVIN WALDTR, PSQ. WILMER CUTLER PICKERING HALE AND DORR LLP. BY: S. CALVIN WALDTR, PSQ. WILMER CUTLER PICKERING HALE AND DORR LLP. BY: S. CALVIN WALDTR, PSQ. WILMER CUTLER PICKERING HALE AND DORR LLP. BY: S. CALVIN WALDTR, PSQ. WILMER CUTLER PICKERING HALE AND DORR LLP. BY: S. CALVIN WALDTR, PSQ. WILMER CUTLER PICKERING HALE AND DORR LLP. BY: S. CALVIN WALDTR, PSQ. WILMER CUTLER PICKERING HALE AND DORR LLP. BY: S. CALVIN WALDTR, PSQ. WILMER CUTLER PICKERING HALE AND DORR LLP. BY: S. CALVIN WALDTR, PSQ. WILMER CUTLER PICKERING HALE AND DORR LLP. BY: MR. BLUMENFELD: Good morning, Your Honor. WILMER CUTLER PICKERING HALE AND DORR LLP. BY: MR. BLUMENFELD: Good morning, Your Honor. WILMER CUTLER PICKERING HALE AND DORR LLP. BY: MR. BLUMENFELD: Good morning, Your Honor. WILMER CUTLER PICKERING HALE AND DORR LLP. BY: MR. BLUMENFELD: Good morning, Your Honor. MR. BLUMENFELD: Good morning, Your Honor. WILMER LLP L. COURT: MR. Blumenfeld? MR. BLUMENFELD: Good morning, Your Honor was the MR. Blumenfeld? MR. Blumenfeld: M			8	THE COURT: All right. So I guess, Mr. Farnan?
WILMER CUTTER PICKERING HALE AND DORR LLP IS DOMINIC F MASSA 750. 15		-and-	9	MR. FARNAN: Yes, Your Honor. Good morning.
(Boston, Massachusetts) 19	12	WILMER CUTLER PICKERING HALE AND DORR LLP	10	THE COURT: Welcome.
18 and 19 WILMER CUTLER PICKERING HALE AND DORR LLP 19 BY: JOSHUA L. STERN, ESQ. 10 (Washington, D.C.) 19	13		11	MR. FARNAN: Good morning, Your Honor. Brian
16 WILMER CUTLER PICKERING HALE AND DORR LLP 17 WILMER CUTLER PICKERING HALE AND DORR LLP 18 WILMER CUTLER PICKERING HALE AND DORR LLP 19	14	,		•
### WILMER CUTTER PICKEENING HALE AND DORR LLP BY JOSHUA L STERN, ESC, IRCHARD A. CRUDO, ESO, (Washington, D.C.)	15	-and-		
17 BY: JOSHUA L. STERN, ESD. 18 (Washington, D.C.) 19	16	WILMED CUTLED DICKEDING HALF AND DODD LLD		
18 (Washington, D.C.) 19	17	BY: JOSHUA L. STERN, ESQ.		-
18 MR. BLUMENFELD: Good morning, Your Honor. 20 MR. BLUMENFELD: Jack Blumenfeld from Morris 21 MILMER CUTLER PICKERING HALE AND DORR LLP. 22 MR. BLUMENFELD: Jack Blumenfeld from Morris 23 MR. BLUMENFELD: Jack Blumenfeld from Morris 24 and- 25 MR. BLUMENFELD: Jack Blumenfeld from Morris 26 Alt counsel table are Gregory Lantier and Dominik 27 Assaar is Kimberly Schmidt, also from 28 Intel. Behind Mr. Rassam is Kimberly Schmidt, also from 29 Intel. And in the corner, Richard Crudo and Calvin Walden 29 And with Your Honor's permission, Mr. Lantier 30 And with Your Honor's permission, Mr. Lantier 41 and Mr. Massa and I are going to split the presentation 52 today. And I can well, I will wait until we start before 53 handing up our sides. 64 Am. BLUMENFELD: Thank you. 65 THE COURT: All right. 66 MR. BLUMENFELD: John And Dominik 66 And With Your Honor's permission, Mr. Lantier 67 And Mr. Massa and I are going to split the presentation 68 MR. BLUMENFELD: Thank you. 69 THE COURT: All right. 60 MR. BLUMENFELD: Thank you. 60 MR. BLUMENFELD: Thank you. 61 MR. BLUMENFELD: Oh, and, Your Honor, Mr. Lee 61 Wanted to be here today. He's two floors up trying a case 62 before Judge Stark, so was unable to be here. 63 THE COURT: Okay. Judge Stark has two trials 64 today going on. 65 All right. Why don't we begin? Let's go claim 66 MR. BLUMENFELD: Thank you. 67 THE COURT: Okay. Judge Stark has two trials 68 THE COURT: Okay. Judge Stark has two trials 69 Counsel for Defendent 69 Counsel for Defendent 60 MR. Blumenfeld from Morris 60 MR. Blumenfeld from Morris 61 MR. Blumenfeld from Morris 61 MR. Blumenfeld from Morris 62 Nichols for Intel. 62 All right. Why don't we begin? Let's go claim 69 Counsel for Defendent 69 Counsel for Defendent 60 MR. Blumenfeld from Morris 60 MR. Blumenfeld from Morris 61 MR. Blumenfeld from Morris 62 All right. Why don't we begin? Let's go claim 61 Blumenfeld from Morris 62 Defendent from Morris 61 All right. Why don't we begin? Let's go claim 62 Defendent from Morris 63 MR. Blumenfeld from Morris 6	18			-
29 WILLER PICKERING HALE AND DORR LLP. 21 WILLER PICKERING HALE AND DORR LLP. 22 (KNew York, New York) 23 At counsel table are Gregory Lantier and Dominik 24and- 25 At counsel table are Gregory Lantier and Dominik 26 Massa from Wilmer Hale. Behind them is Mashood Rassam from 27 Intel. Behind Mr. Rassam is Kimberly Schmidt, also from 28 Intel. Behind Mr. Rassam is Kimberly Schmidt, also from 29 Intel. And in the corner, Richard Crudo and Calvin Walden 29 Wilmer Hale. And behind them, Joshua Stern, also from 20 Wilmer Hale. And with Your Honor's permission, Mr. Lantier 21 and Mr. Massa and I are going to split the presentation 22 to day, And I can well, I will wait until we start before 23 handing up our sildes. 24 and Mr. Rassam and I are going to split the presentation 25 today, And I can well, I will wait until we start before 26 handing up our sildes. 27 THE COURT: All right. 28 Massam of a region of split the presentation 29 THE COURT: Thank you. 30 THE COURT: Thank you very much. 31 MR. BLUMENFELD: Thank you. 32 THE COURT: Thank you very much. 33 THE COURT: Thank you very much. 34 Wanted to be here today. He's two floors up trying a case 35 THE COURT: Okay. Judge Stark has two trials 36 today going on. 37 THE COURT: Okay. Judge Stark has two trials 38 THE COURT: Okay. Judge Stark has two trials 39 THE COURT: Okay. Judge Stark has two trials 40 THE COURT: Okay. Judge Stark has two trials 41 today going on. 42 Wilmer Hale. Behind them is Mashood Rassam from 43 The COURT: Okay. Judge Stark has two trials 44 today and in the present of the joint claim construction chart 45 Wilmer Hale. And behind them is Mashood Rassam from 46 The Court of the Judge Stark has two trials 46 The Court of the Judge Stark has two trials 47 The COURT: Okay. Judge Stark has two trials 48 The Court of the Judge Stark has two trials 48 The Court of the Judge Stark has two trials 49 The Court of the Judge Stark has two trials 40 The Court of the Judge Stark has two trials 40 The Court of the Judge Stark has two trials 40 The Co	19			
BP: S. CALVIN WALDEN, ESG. (New York, New York) 22	20	-and-	19	
22 (New York, New York) 23 A counsel table are Gregory Lantier and Dominik 24 -and- 25 A counsel table are Gregory Lantier and Dominik 26 Intel. Behind Mr. Rassam is Kimberly Schmidt, also from 27 Intel. Behind Mr. Rassam is Kimberly Schmidt, also from 28 Intel. And in the corner, Richard Crudo and Calvin Walden 29 Intel. And in the corner, Richard Crudo and Calvin Walden 29 Intel. And in the corner, Richard Crudo and Calvin Walden 29 Intel. And behind them, Joshua Stern, also from 20 Wilmer Hale. And behind them, Joshua Stern, also from 20 Wilmer Hale. 21 Wilmer Hale. And behind them, Joshua Stern, also from 22 Wilmer Hale. 23 And with Your Honor's permission, Mr. Lantier 24 and Mr. Massa and I are going to split the presentation 25 today. And I can well. I will wait until we start before 26 handing up our sildes. 28 MR. BLUMENFELD: Thank you. 29 THE COURT: All right. 30 MR. BLUMENFELD: Oh, and, Your Honor, Mr. Lee 31 Wanted to be here today. He's two floors up trying a case 32 before Judge Stark, so was unable to be here. 33 THE COURT: Okay. Judge Stark has two trials 34 today going on. 35 THE COURT: Okay. Judge Stark has two trials 36 THE COURT: Okay. Judge Stark has two trials 37 THE COURT: Okay. Judge Stark has two trials 38 THE COURT: Okay. Judge Stark has two trials 38 THE COURT: Okay. Judge Stark has two trials 39 THE COURT: Okay. Judge Stark has two trials 40 today going on. 41 The Source of the joint claim construction chart 42 Wilmer Hale. 43 And with Your Honor's permission, Mr. Lantier 44 and Mr. Massa and I are going to split the presentation 45 THE COURT: Okay. Judge Stark has two trials 46 today for the joint claim construction chart 48 With many, many attachments, and then I got the joint 49 appendix in support of the joint claim construction brief, 40 and Mr. Massa and I are going to split the presentation 40 And Wilmer Hale. 41 Not and Mr. Massa and I are going to split the presentation 41 The COURT: Okay. Judge Stark has two trials 41 today going on. 41 The COURT: Okay. Judge Stark has tw	21	WILMER CUTLER PICKERING HALE AND DORR LLP.	20	MR. BLUMENFELD: Jack Blumenfeld from Morris
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24 24 Intel. Behind Mr. Rassam is Kimberly Schmidt, also from 25 Intel. And in the corner, Richard Crudo and Calvin Walden 3 1 APPEARANCES (Continued): 5 2 INTEL CORPORATION BY: MASHOOD RASSAM, ESO. 2 Wilmer Hale. And behind them, Joshua Stern, also from 2 Wilmer Hale. And behind them, Joshua Stern, also from 3 And with Your Honor's permission, Mr. Lantler 4 and Mr. Massa and I are going to split the presentation 5 today. And I can well, I will walt until we start before 6 handing up our slides. 7 THE COURT: All right. 8 MR. BLUMENFELD: Thank you. 9 THE COURT: Thank you very much. 10 MR. BLUMENFELD: Oh, and, Your Honor, Mr. Lee 12 wanted to be here today. He's two floors up trying a case 13 THE COURT: May be the food you have been so was unable to be here. 14 today going on. 15 All right. Why don't we begin? Let's go claim 16 by claim, or term by term, I should say. 18 Will many, many attachments, and then I got the joint 20 appendix in support of the joint claim construction brief, 20 so when I was just really looking at the appendix of the 21 brief just for clarity in case anybody wants to know, I	23		22	At counsel table are Gregory Lantier and Dominik
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1 addresses -- just leave it as it says, they don't get 2 further construction? 3 MS. LANTIER: We would prefer that over VLSI's proposed construction. 4 5 THE COURT: VLSI says they can live with that. 6 That's how I'm not going to construe it. I'm not going to 7 construe the term. VLSI has already said they can live with 8 that. And it's not your first choice, Intel, but you can 9 live with it. Right? 10 MS. LANTIER: It's not our first choice. I 11 understand Your Honor's ruling. I am not disputing it. For 12 the record, we would preserve our position that the right 13 construction is the one that we proposed. 14 THE COURT: That's understood. 15 MR. LANTIER: Yes. 16

THE COURT: VLSI already said at the outset they don't need construction of this material, so I'm going to go with VLSI's proposed or secondary proposal, which is -actually, their primary proposal, it did not need construction, I will go with that, and you can argue your position to the Federal Circuit if need be. And, of course, if something comes to my attention, because it sounds like there's going to be expert testimony about virtual addressing, then I will revisit claim construction at that point.

other phrases of the claim language as well for which construction is not being sought.

4 VLSI proposes that no construction is needed for --5 THE COURT: Actually, can I just ask you: Could

6 you live with quantifying or quantify?

So just starting with this term determining,

MS. STOHL: Your Honor, I don't believe that that would be an appropriate construction here.

9 THE COURT: So you wouldn't agree to that? 10 MS. STOHL: We would not agree to that at this 11 time

THE COURT: Okay.

13 MS. STOHL: And I'm happy to explain --

14 THE COURT: Yes.

15 MS. STOHL: -- further why.

So here -- well, first of all, aside from the fact that determining is the plain and ordinary understood word, in fact, as we noted in the briefs, they don't actually argue for the term determining to be the construction of other terms in other cases.

Intel's proposal of sense or sensing is much more limited. It's a subset of determining and doesn't stay honest to the patent.

23 24 Specifically, Intel's proposal imports

25 limitations from a preferred embodiment. Here, so the

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1 MS. LANTIER: Yes, Your Honor. I understand. THE COURT: VLSI is good with that? You 2 3 understand my ruling? 4 MR. ABERNATHY: Yes, Your Honor. 5 THE COURT: All right. Let's go to the next 6 term. 7 MS. STOHL: Good morning, your Honor. 8 THE COURT: What's your name just, for the 9 record? 10 MS. STOHL: Adina Stohl for the plaintiff. 11 THE COURT: Ms. Stohl? Okay. Thank you. 12 MS. STOHL: THE '027 patent discusses a 13 determination of an analog variation parameter that is 14 representative of an integrated circuit fabrication process 15 variance of the integrated circuit, and an operational 16 temperature as well as a digital variation parameter with 17 the purpose being to optimize power consumption on an 18 IC-by-IC basis. 19 Intel is taking construction of three terms for 20 this patent. The first two are very similar and are put

together. Determining an analog or a digital variation

parameter, and the third being determining an operational

specification is replete with numerous ways in which 2 3 4 5

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determining is discussed. Intel hones in on the word sensing sometimes with determining, sometimes without, but as Your Honor will notice, the inventors knew the word sensing. In fact, they used it in the specification, but when it came time to actually claim their invention, they

7 chose to use the broader word determining. You see it here 8 in claim 1.

THE COURT: Help me out. I'm a juror and I'm reading your claim. An analog variation parameter. You're accusing Intel of doing that. What are you going to say Intel does to determine an analog variation parameter?

MS. STOHL: There are -- we have multiple theories of infringement, Your Honor, but specifically, the separate issue, but an analog variation parameter which will be discussed shortly as another --

THE COURT: Help me out with the verb. What are you going to say to the jury? Ladies and gentlemen, Intel determines in implementing this method for power supply optimization, it determined an analog variation parameter.

What is it they do? What are you going to tell the jury?



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1	reaching a conclusion. It might be		
2	THE COURT: Wait. They studied study and reach		
3	a conclusion?		
4	MS. STOHL: There are multiple examples.		
5	THE COURT: When you are in front of the jury,		
6	what are you going to say to the jury when you say, ladies		
7	and gentlemen, Intel infringed this claim because they		
8	determined an analog variation parameter. Here's what they		
9	did to determine an analog variation parameter. Tell me,		
10	what are you going to tell them?		
11	MS. STOHL: So one of the options is that they		
12	went and they read that parameter.		
13	THE COURT: They read it. What does that mean?		
14	MS. STOHL: They read the value of it.		
15	THE COURT: So read, they measured it?		
16	MS. STOHL: It can be a measurement.		
17	THE COURT: Well		
18	MS. STOHL: And the patent explicitly includes		
19	that as measuring.		
20	THE COURT: What else?		
21	MS. STOHL: It can be a calculation. It can be		
22	a generation as discussed in determining		
23	THE COURT: They detected it?		
24	MS. STOHL: They detected it. If I just		
25	THE COURT: So why not go with measure?		

THE COURT: But you want to read determining to 2 mean causing. Isn't that really what you want? 3 MS. STOHL: As causing? 4 THE COURT: Yes. Like in the passive. 5 MS. STOHL: No, I would not agree with that, 6 Your Honor. 7 THE COURT: No? 8 MS. STOHL: And then part of my pushback on measuring is that, well, the term is also used in relation 10 to the adjustment signal. That's not something that can be 11 measured. Right? 12 Looking at the claim language, the adjustment 13 signal is actually determined using the analog variation 14 parameter in relation to the operational temperature and/or 15 with the digital variation parameter. None of that can be 16 done through measuring. It's a metric that didn't exist 17 before. 18 Can you put me back at 68, please. 19 Your Honor, may I continue? 20 THE COURT: I'm sorry? 21 MS. STOHL: May I continue? 22 THE COURT: Yes, please. 23 MS. STOHL: So here what is very clear is going 24 back to the same principle, determining does not mean 25 sensing. To limit it would be improper.

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1 MS. STOHL: Because --2 THE COURT: What is the difference between read 3 and measured? 4 MS. STOHL: So measure I agree is encompassed 5 within the term determining, but it doesn't define it. 6 THE COURT: I'm on read. 7 MS. STOHL: Sorry? 8 THE COURT: I'm on read. You are going to argue 9 to the jury they read some parameter. Right? 10 MS. STOHL: Well, I would argue that the 11 claim word determining is used repeatedly throughout the 12 patent. 13 THE COURT: I know. We're trying to determine

what it means. We're trying to determine what it means.

Right?

And to do that, we have to employ some analysis

And to do that, we have to employ some analysis. We have to do something. So what do you have to do to determine an analog variation parameter?

MS. STOHL: So here, just as an illustrated example, kind of, there are all of these options that can be determining, and the patent actually uses these other words for determining. So to limit it to any one of these words,

Intel's proposal also restricts the claim scope contrary to law. What's very clear is that varied use of a disputed term demonstrates the breadth of the term rather than providing a limited definition. So I mentioned a couple ways in which determining is discussed in the specification, in the claims themselves. Those aren't limiting and, in fact, again, are all just examples of the way in which it can be done.

As one example here, we see in claims 5 and 11, so it's the claims themselves, it requires determining a digital variation parameter comprising measuring and comparing. So determining includes comparing measured values, something that's different from sensing.

Turning to the specification, we see that determining can include counting iterations. We see that in column 9, 6 through 27. As well we see that determining includes calculating ratios and that's actually back in the claims as well.

So claim 16 notes that determining the digital variation parameter is done as a ratio. That also is different than sensing. You don't sense a ratio.

Looking back again at the abstract, this is in



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determining to just measuring.

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And it goes even further than that. Not only does it's restrict the word contrary to what -- to the claims themselves and contrary to law, but it actually goes a step further and renders the claims unintelligible.

So as I mentioned a moment ago, determining includes measuring and comparing as two examples. Very simply, sensing does not compare those two.

And for claim 16, determining as a ratio, again, a ratio is not sensing.

The Federal Circuit has been clear on this, that if a construction would render a claim nonsensical, it simply can't be correct, and here restricting it to sensing or measuring would do that.

I'm happy to move on to the next portion of this claim.

17 THE COURT: Sure.

> MS. STOHL: So the next dispute that relates to these first two terms, determining an analog or a digital variation parameter is this idea of, well, what is variation?

> So VLSI proposes that an analog variation parameter is an analog portion of the integrated circuit. That means the area on an IC-by-IC base basis. Similarly, the construction is the same for digital variation

THE COURT: So are you going to external 2 evidence now?

MS. STOHL: It's not necessary. It's just to further explain.

5 THE COURT: If it's not necessary, don't make 6 your argument using it.

MS. STOHL: On the flip side, Intel's proposal address a non-claim limitation. So specifically, their argument is that the claim uses the plain meaning of variation to refer to a value that changes over time. Their only citation for this plain meaning requiring a change over

12 time is their own expert. Variation doesn't require that. 13 There's a multitude of ways that things can vary. Sizes

14 and shapes vary. None of that requires over time. 15

THE COURT: Intel essentially, they are accusing you of this read only thing, that you are just trying to read a fixed value. Can you maybe explain to me what that means in the process?

19 MS. STOHL: What they are arguing?

20 THE COURT: Well, what does it mean? A fixed 21 value?

22 MS. STOHL: So the purpose --

23 THE COURT: As you understand it. I realize

24 it's their argument. I'm going to ask them the same thing. 25

I'm just curious. Can you explain to a non-integrated

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parameter, obviously related to the digital portion. Intel, however, proposes that variation somehow requires that it vary during operation. That simply just doesn't exist.

VLSI's proposal is taken directly from the patent itself if you look at the abstract. Going back again, what is the purpose of the determination of an analog parameter representative of an integrated circuit fabrication process? It is to optimize power consumption on an IC-by-IC basis. Whether or not it varies over time is immaterial. It can or it cannot, but it's not required to do so. What's required simply is that it's optimized on an IC-by-IC basis.

Intel will argue that the purpose of the claims is this idea of determining adjustment signals, something that happens over time. But the disconnect there is they're ignoring that there's another element. They are ignoring that there's an operational element from temperature or, for example, there can be other elements that are expressed in the variation parameters at all.

We're sitting in a room with walls. I can determine the thickness of the walls, which has an effect on the acoustics in this room, perhaps noise coming in from the circuit engineer, what does that mean?

3 fabricated, there are a number of elements to that chip to

MS. STOHL: At the time that a chip is

4 identify that specific clip as different from other chips.

5 So when a chip is fabricated, it's fabricated on this large

wafer. Other chips, there might be hundreds, there might be

7 thousands on a wafer, they are supposed to be identical.

8 They are printed and they are supposed to be really carbon

9 copies of each other. In reality, that doesn't happen.

10 There are small natural variations, natural errors that

create differences between two chips that are supposed to be

12 the same.

13 What had previously been done is that all of the 14 chips on a single wafer or all of the chips on a single, in 15 a single batch were set to operate such that they would work 16 even for the chip that was kind of not necessarily the dud,

17 but the one that was a little bit more imperfect than the

18 others, and that might be that, you know, the wires are a

19 little bit wider, so it requires more energy to push

20 through, or the transistor shape and size was a little bit, 21 a little bit different

And what happens at that time is you test all of



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