

1 See Counsel List on Next Page
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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11 SEMICONDUCTOR ENERGY
12 LABORATORY CO., LTD.,

13 Plaintiff,

14 vs.

15 CHIMEI INNOLUX
16 CORPORATION, et al.,

17 Defendants.
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Case No.: SACV 12-0021-JST (JPRx)

**JOINT CLAIM CONSTRUCTION AND
PREHEARING STATEMENT**

Claim Construction

Hearing: March 5, 2013

Time: 10:00 am

Place: Courtroom 10A

Judge: Hon. Josephine Staton Tucker

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1 Pursuant to Patent L.R. 4-3, Plaintiff Semiconductor Energy Laboratory,
2 Co., Ltd. (“SEL”) and Defendants Chimei Innolux Corporation, Chi Mei
3 Optoelectronics USA, Inc., Acer America Corporation, ViewSonic Corporation,
4 VIZIO, Inc., and Westinghouse Digital, LLC (collectively “Defendants”) through
5 their respective counsel, hereby jointly submit the following “Joint Claim
6 Construction and Prehearing Statement.”

7
8 **A. Agreed Claim Constructions (L.R. 4-3(a))**

9 The parties’ counsel have met and conferred and believe that the following
10 terms have an agreed construction:
11

Claim Terms	Agreed Constructions
overetching (‘311 patent, claim 11)	Overetching should be given the same construction given in Judge Patel’s March 27, 2006 claim construction order of the same term in US Patent No. 6,756,258 and her June 19, 2007 summary judgment order: “‘overetched’ ... is not confined to a particular type of etching ... or a particular timing for etching” See <i>Semiconductor Energy Laboratory Co., Ltd. v. Chi Mei Optoelectronics Corp. et al.</i> , Case No. 3:04-cv-4675 in the Northern District of California, Dkt. 111, Memorandum and Order dated March 27, 2006, at page 17. “overetching can be performed either as a separate

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	<p>step, involving the application of additional etchant, or by extending the original etching such that the etchant undercuts the mask” See <i>Semiconductor Energy Laboratory Co., Ltd. v. Chi Mei Optoelectronics Corp. et al.</i>, Case No. 3:04-cv-4675 in the Northern District of California, Dkt. 111, Memorandum and Order dated March 27, 2006, at page 17.</p> <p>“the process of overetching ... [is] well known as part of every etching process” See <i>Semiconductor Energy Laboratory Co., Ltd. v. Chi Mei Optoelectronics Corp. et al.</i>, Case No. 3:04-cv-4675 in the Northern District of California, Dkt. 386, Memorandum and Order dated June 19, 2007, at page 29.</p>
<p>a pitch of adjacent ones of the plurality of second conductive lines</p> <p>(‘978 patent, claims 7 and 17)</p>	<p>“the distance between adjacent ones of the plurality of second conductive lines”</p>

B. Proposed Claim Constructions (L.R. 4-3(b))

1. U.S. Patent No. 6,404,480

‘480 Patent Claim Language (Disputed Terms in Bold)	SEL’s Proposed Construction and Evidence in Support	Defendants’ Proposed Construction and Evidence in Support ¹
a first interlayer insulating film provided over said first substrate (claims 1, 6, 11)	<p>Preliminary Construction: The phrase is unambiguous and therefore requires no construction.</p> <p>Intrinsic Evidence: Abstract; col. 3, ll. 35-36; col. 3, l. 55; col. 4, ll. 10-11; col. 4, ll. 27-31; col. 4, ll. 34-35; col. 4, ll. 58-62; col. 5, ll. 54-56; col. 6, ll. 47-50; col. 7, ll. 11-12; col. 8, ll. 38-40; col. 14, ll. 30-31; col. 14, ll. 66-67; col. 15, ll. 39-40; col. 16, ll. 12-13; col. 16, ll. 50-51; col. 17, ll. 24-25; Figs. 1, 5A-5G, 6-10, and 13.</p> <p>Prosecution History of Application No. 09/734,177: Original Claims of December 12, 2000; Office Action, July 5, 2001.</p>	<p>Preliminary Construction: Not in direct contact</p> <p>Intrinsic Evidence: Claims 1, 6, 11. See, e.g., Figs 1, 5A-5G; 6, 13. See, e.g., Col. 3, line 29 - col. 5, line 2; col. 6, lines 1-8. 10/22/07 Response to Reexamination Office Action at 20 ("[T]he metal particle 16 in Figure 7(a) of Moriyama '333 on makes contact with layer 4. If one were to argue that film 4 corresponds with the second conductive film of the present claims, then film 4 is not</p>

¹ Defendants also reserve the right to rely on evidence cited by SEL in support of Defendants' proposed claim constructions. Defendants also reserve the right to rely on additional intrinsic and extrinsic evidence in response to positions SEL takes in its opening claim construction brief.

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