

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before The Honorable E. James Gildea
Administrative Law Judge**

In the Matter of

**CERTAIN FLASH MEMORY CHIPS
AND PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-893

**SECOND JOINT SUBMISSION REGARDING
PROPOSED CONSTRUCTION OF DISPUTED CLAIM TERMS**

Complainant Spansion LLC ("Spansion"), Respondents Macronix International Co., Ltd., Macronix America, Inc., Macronix Asia Limited, Macronix (Hong Kong) Co., Ltd., Acer Inc., Acer America Corporation, ASUSTek Computer Inc., Asus Computer International, Belkin International, Inc., D-Link Corporation, D-Link Systems, Inc., Nintendo Co., Ltd., Nintendo of America, Inc. and Netgear Inc. (collectively, "Respondents"), and the Commission Investigative Staff Attorney ("Staff") (collectively, "the parties") have continued to streamline the issues regarding claim construction. The parties submit the attached revised joint list showing each party's proposed construction of the remaining disputed claim terms. The parties have also expanded the list of agreed-upon constructions, which are set forth in a separate table at the end of this document.



Dated: February 12, 2014

Respectfully submitted,

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PROPOSED CONSTRUCTIONS OF DISPUTED CLAIM TERMS

U.S. Patent Nos. 6,900,124 & 7,018,922

Term (Claim)	Complainant's Construction	Respondents' Construction	Staff's Construction
<p>Preambles: "A method of forming a contact in a flash memory device that improves the depth of focus (DOF) margin and the overlay margin between a plurality stacked gate layers and the respective contact" ('124 claim 1) ('922 claim 1)</p>	<p>Preamble is not limiting; no construction necessary. If a construction is required, the terms are addressed below and in the table of agreed-upon constructions.</p>	<p>Preamble is a limitation. Respondents' proposed construction is as follows, with additional terms addressed below and in the table of agreed-upon constructions: "a method of forming a contact for a flash memory device where the shape of the contact results in improved depth of focus of the contact and improved overlay margin between the contact and the stacked gate layers thus allowing a reduction in distance between stacked gate layers"</p>	<p>Preamble is not limiting; no construction is necessary. If a construction is required, the terms are addressed below and in the table of agreed-upon constructions.</p>
<p>"flash memory device" ('124 claims 1, 6) ('922 claim 1)</p>	<p>Preamble is not limiting; no construction necessary. If construction is required: "a type of erasable electronic memory media that can be rewritten and can hold its content without power."</p>	<p>erasable and rewritable electronic memory media that can hold its content without power</p>	<p>Preamble is not limiting; no construction necessary. If construction is required: "a type of erasable electronic memory media that can be rewritten and can hold its content without power."</p>

U.S. Patent Nos. 6,900,124 & 7,018,922

Term (Claim)	Complainant's Construction	Respondents' Construction	Staff's Construction
"stacked gate layer(s)" (124 claims 1-3, 5-8) (922 claims 1-3, 5)	structure(s) made up of multiple stacked layers that include a gate	a structure of a flash memory device that includes a floating gate and a control gate in a stacked configuration	a structure of a flash memory device that includes a floating gate and a control gate in a stacked configuration
"major axis" (124 claims 1, 2, 5, 7, 10) (922 claims 1, 2, 5)	the longest axis of an elongated shape	longest diameter of the contact hole and is substantially parallel to the stacked gate layers	the longest axis of an elongated shape
"minor axis" (124 claims 1, 3, 5, 8, 10) (922 claims 1, 3, 5)	the shortest axis of an elongated shape	the shortest diameter of the contact hole and is substantially perpendicular to the stacked gate layers	the shortest axis of an elongated shape
"DOF limit" (124 claim 1) (922 claims 1)	a threshold past which the three dimensional region of the portion of the photoresist to be exposed is no longer within specifications	the smallest DOF that can be tolerated in manufacturing to achieve an adequate result	the smallest DOF that can be tolerated in manufacturing to achieve an adequate result

U.S. Patent Nos. 6,900,124 & 7,018,922

Term (Claim)	Complainant's Construction	Respondents' Construction	Staff's Construction
<p>"the contact hole is dimensioned along the major axis so as to maintain focus of an image of the contact hole as the minor axis is reduced in size towards a DOF limit." ('124 claim 1, '922 claim 1)</p>	<p>the contact hole is shaped so that the major axis of the contact hole is sized to maintain focus of an image of the contact hole while the minor axis is sized such that the patterning capability approaches or is close to a DOF limit</p>	<p>the contact hole is shaped so that the major axis of the contact hole is sized to maintain focus of an image of the contact hole while the minor axis is shorter than the diameter of a circular contact hole whose feature size is at the DOF limit</p>	<p>the contact hole is shaped so that the major axis of the contact hole is sized to maintain focus of an image of the contact hole while the minor axis is shorter than the diameter of a circular contact hole whose feature size is at the DOF limit</p>

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