

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**IN RE PAPST LICENSING GMBH & CO. KG
LITIGATION**

Misc. Action No. 07-493 (RMC)

MDL Docket No. 1880

This Document Relates To:

The First Wave Cases --

Fujifilm Corp. v. Papst, 07-cv-1118;
Matsushita Elec. Indus. Co., Ltd. v. Papst, 07-cv-1222;
Papst v. Olympus Corp., 07-cv-2086;
Papst v. Samsung Techwin Co., 07-cv-2088;
Papst v. Ricoh Co. Ltd., 07-cv-612;
Hewlett Packard Co. v. Papst, 08-cv-865; and
Papst v. Nikon Corp., 08-cv-985.¹

ORDER REGARDING CLAIMS CONSTRUCTION

For the reasons stated in the Memorandum Opinion filed simultaneously with this Order, it is hereby **ORDERED** that the Claims of U.S. Patent Nos. 6,470,399 (“ ’399 Patent”) and 6,895,449 (“ ’449 Patent”) (collectively the “Patents”) are construed as follows:

1. The term “interface device” means a “stand-alone device.”
2. The term “host device” means “a general purpose computer that connects to and directs the operation of peripherals, including drivers for input/output devices customary in a host device and a multi-purpose interface.”

¹ This Order relates to the First Wave Cases listed in the caption. The Camera Manufacturers who are parties in the First Wave Cases include: Fujifilm Corporation; Fujifilm U.S.A., Inc.; Fujifilm Japan; Matsushita Electric Industrial Co., Ltd.; Victor Company of Japan, Ltd.; Olympus Corporation; Olympus Imaging America Inc.; Samsung Techwin Co.; Samsung Opto-Electronics America, Inc.; Panasonic Corporation of North America; JVC Company of America; Ricoh Corporation; Ricoh Company Ltd.; Ricoh Americas Corporation; Hewlett-Packard Company; Nikon Corporation; and Nikon, Inc.

3. The term “data transmit/receive device” means “a device that is capable of transmitting data to and receiving data from the host device when connected to the host device by the interface device.”
4. The phrase “for communication between” the computer and the data transmit/receive device means “for transmitting of information bidirectionally between the two devices.”
5. The term “multi-purpose interface” means “a communication interface designed for use with multiple devices that can have different functions from each other.”
6. The word “interfacing” means “establishing communication with.”
7. The term “first connecting device” means “a physical socket or plug for permitting a user to attach and detach the interface device to and from a host device/computer.”
8. The term “second connecting device” in the ’399 Patent means “a physical plug or socket for permitting a user readily to attach and detach the interface device with a plurality of dissimilar data transmit/receive devices, including a sampling circuit for sampling the analog data provided by the data transmit/receive device and an analog-to-digital converter for converting data sampled by the sampling circuit into digital data.” In the ’449 Patent, the term “second connecting device” means “a physical plug or socket for permitting a user readily to attach and detach the interface device with a plurality of dissimilar data transmit/receive devices.”
9. The term “first command interpreter” in the ’399 Patent means “a software program for interpreting an inquiry from a host device and sending a signal to the host device in response to the inquiry, which signal tells the host computer that the interface device is an input/output device customary in a host device regardless of the type of transmit/receive device attached to the interface device.”

10. The term “second command interpreter” in the ’399 Patent means “a software program for translating data request commands from the host device into data transfer commands understandable by a plurality of dissimilar data transmit/receive devices.”
11. The phrase “[w]herein the interface device is configured by the processor and memory to include a first command interpreter and a second command interpreter” as used in the ’399 Patent means that “the processor of the interface device runs a program from its memory to determine the data transfer parameters of the interface device for the first and second command interpreters.”
12. The term “inquiry” means “an instruction seeking information concerning the type of the device attached to a computer” and the term “inquiring” means “sending an instruction seeking information concerning the type of the device attached to a computer.”
13. The word “driver” means “the set of software routines used to direct a device, for example, an input/output device or a multi-purpose interface.”
14. The phrase “an input/output device customary in a host device” in the ’399 Patent means a “data input/output device that was normally present within the chassis of most commercially available computers at the time of the invention” and the phrase “a storage device customary in a host device” in the ’449 Patent means a “storage device that was normally present within the chassis of most commercially available computers at the time of the invention.”
15. The phrase “the driver for the input/output device customary in a host device” in the ’399 Patent means “the customary driver(s) in a host device used to communicate with customary internal and external input/output device(s), which driver(s) were normally present within the chassis of most commercially available computers at the time of the invention,” and the phrase “the driver for the storage device customary in a host device” in the ’449 Patent

means “the customary driver(s) in a host device used to communicate with customary internal and external storage device(s), which driver(s) were normally present within the chassis of most commercially available computers at the time of the invention.”

16. In Claim Fourteen of the '399 Patent, the phrase “the usual driver for the input/output device” means “the customary driver(s) in a host device used to communicate with customary internal and external input/output device(s), which driver(s) were normally present within the chassis of most commercially available computers at the time of the invention.”
In Claim Eighteen of the '449 Patent, the phrase “the usual driver for the storage device” means “the customary driver(s) in a host device used to communicate with customary internal and external storage device(s), which driver(s) were normally present within the chassis of most commercially available computers at the time of the invention.”
17. The phrase “whereupon the host device communicates with the interface device by means of the driver for the input/output [storage] device customary in a host device” does not need to be construed separately from its constituent claim terms, which have already been construed.
18. The phrase “the digital data” as used in Claim One of the '399 Patent means “the data as it is output by the analog to digital converter, and/or the data as it is output by the analog to digital converter after it has undergone additional processing, such as digital signal processing.”
19. The Court construes “a buffer” (for buffering data as set forth in Claim Three of the '399 Patent) and “a data buffer” (as set forth in Claim Sixteen of the '449 Patent) as “memory used to store data temporarily to compensate for differences between the rate in the flow of data between the data transmit/receive device and the host device.”

20. The term “virtual files” in Claim Seven of the ’399 Patent means “files that appear to be but are not physically stored; rather, they are constructed or derived from existing data when their contents are requested by an application program so that they appear to exist as files from the point of view of the host device.”
21. The phrase “simulating a virtual file system” in Claim One of the ’449 Patent means “appearing to be a system of files, including a directory structure, that is not physically stored; rather, it is constructed or derived from existing data when its contents are requested by an application program so that it appears to exist as a system of files from the point of view of the host device.”
22. “Specific driver for the multi-purpose interface” as used in Claim Eleven of the ’399 Patent and Claim Seventeen of the ’449 Patent means “the set of software routines that control the multi-purpose interface and that are developed for the particular multi-purpose interface.”
23. A “digital signal processor” as specified in Claim Five of the ’399 Patent means a “processor optimized to perform repetitive computations used in digital signal processing such as multiply-accumulates.”
24. The word “memory” means “any type of memory.”
25. The term “root directory” means “a directory that is not in another directory” and the term “processor” means “any kind of microprocessor, including a digital signal processor.”
26. Claim Two of the ’399 Patent does not need to be construed separately from its constituent claim terms, which have already been construed.

SO ORDERED.

Date: June 12, 2009

_____/s/_____
ROSEMARY M. COLLYER
United States District Judge