IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

STMICROELECTRONICS, INC.	§	
	§	
Plaintiff	§	
	§	
vs.	§	
	§	
MOTOROLA, INC.	§	
	§	**CASE NO. 4:03-CV-276**
Defendant,	§	
Counterclaim Plaintiff	§	
	§	
vs.	§	
	§	
STMICROELECTRONICS, N.V., AND STMICROELECTRONICS, INC.	§	
	§	
Counterclaim Defendants	§	

MEMORANDUM OPINION AND ORDER

Before the Court are seven patents with terms to be construed. STMicroelectronics, N.V. ("ST") has asserted three patents: U.S. Patent No. 5,812,789 (the "`789" or "Diaz" patent); U.S. Patent No. 5,031,092 (the "`092" or "Edwards" patent); and U.S. Patent No. 5,359,244 (the "`244" or "Hopkins" patent). Motorola, Inc. ("Motorola") has asserted four patents: U.S. Patent No. 5,155,563 (the "`563" or "Davies" patent); U.S. Patent No. 4,548,654 (the "`654" or "Tobin" patent); U.S. Patent No. 5,776,798 (the "`798" or "Quan" patent); and U.S. Patent No. 5,084,814 (the "`814" or "Vaglica" patent). Having considered the parties' submissions and oral argument, the Court construes the disputed terms as follows in this Opinion.[1]

[1]For ease of reference, the Court has attached a Claim Construction Chart as Appendix A to this Opinion. The Claim Construction Chart contains the Court's construction of agreed and disputed terms.

LAW OF CLAIM CONSTRUCTION

In claim construction, courts examine the patent's intrinsic evidence to define the patented invention's scope. *Bell Atlantic Network Servs., Inc. v. Covad Communications Group, Inc.*, 262 F.3d 1258, 1267 (Fed. Cir. 2001). First, courts give "claim terms their ordinary and accustomed meaning as understood by one of ordinary skill in the art." *Alloc, Inc. v. Int'l Trade Commission*, 342 F.3d 1361, 1368 (Fed. Cir. 2003); *Id*. Second, the court must determine whether it must deviate from the claim language's ordinary and accustomed meaning. *Bell Atlantic Network Servs., Inc.*, 262 F.3d at 1268. There is a "heavy presumption" that claim terms carry their ordinary and customary meaning which is only rebutted if the patent "expresses an intention to impart novel meaning to [them]." *Sunrace Roots Enter. Co., LTD v. SRAM Corp.*, 336 F.3d 1298, 1302 (Fed. Cir. 2003); *Id*. "This presumption is overcome: (1) where the patentee has chosen to be his own lexicographer, or (2) where a claim term deprives the claim of clarity such that there is no means by which the scope of the claim may be ascertained from the language used." *Bell Atlantic Network Servs., Inc.*, 262 F.3d at 1268. When a court attempts to define a term, it "immerses itself in the specification, the prior art, and other evidence, such as the understanding of skilled artisans at the time of the invention, to discern the context and normal usage of the words in the patent claim." *Alloc, Inc.*, 342 F.3d at 1368.

The Federal Circuit has held that "among the intrinsic evidence, the specification is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term." *Teleflex, Inc. v. Ficosa North America Corp.*, 299 F.3d 1313, 1325 (Fed. Cir. 2002). This is true because a patentee may define his own terms. Also, the specification may resolve ambiguous claim terms "where the ordinary and accustomed meaning of

the words used in the claims lack sufficient clarity to permit the scope of the claim to be ascertained from the words alone." *Id.* However, the specification may not redefine particular claim terms away from their ordinary meaning unless the intrinsic evidence "clearly set[s] forth or clearly redefine[s] a claim term so as to put one reasonably skilled in the art on notice that the patentee intended to so redefine the claim term." *Bell Atlantic Network Servs., Inc.*, 262 F.3d at 1268 (internal quotations omitted). Thus, "although the specification may aid the court in interpreting the meaning of disputed claim language, particular embodiments and examples appearing in the specification will not generally be read into the claims." *Comark Communications, Inc. v. Harris Corp.*, 156 F.3d 1182, 1187 (Fed. Cir. 1998).

The patents in suit also contain means-plus-function limitations that require construction. Where a claim limitation is expressed in "means plus function" language and does not recite definite structure in support of its function, the limitation is subject to 35 U.S.C. § 112, ¶ 6. *Braun Medical, Inc. v. Abbott Labs.*, 124 F.3d 1419, 1424 (Fed. Cir. 1997). In relevant part, 35 U.S.C. § 112, ¶ 6 mandates that "such a claim limitation 'be construed to cover the corresponding structure . . . described in the specification and equivalents thereof.'" *Id.* (citing 35 U.S.C. § 112, ¶ 6). Accordingly, when faced with means-plus-function limitations, courts "must turn to the written description of the patent to find the structure that corresponds to the means recited in the [limitations]." *Id.*

Construing a means-plus-function limitation involves multiple inquiries. "The first step in construing [a means-plus-function] limitation is a determination of the function of the means-plus-function limitation." *Medtronic, Inc. v. Advanced Cardiovascular Sys., Inc.*, 248 F.3d 1303, 1311 (Fed. Cir. 2001). Once a court has determined the limitation's function, "the next step is to

determine the corresponding structure disclosed in the specification and equivalents thereof." *Id*. A "structure disclosed in the specification is 'corresponding' structure only if the specification or prosecution history clearly links or associates that structure to the function recited in the claim." *Id*. Moreover, the focus of the "corresponding structure" inquiry is not merely whether a structure is capable of performing the recited function, but rather whether the corresponding structure is "clearly linked or associated with the [recited] function." *Id*.

THE `789 DIAZ PATENT

The Diaz patent involves encoding and decoding signals in electronic devices. An encoder is a device that takes a video or audio signal and compresses the signal to a reduced size using an encoding standard. For example, a video camera takes a video signal and compresses it for storage on a tape, disk, or flash card. A decoder is a device that decompresses the compressed signal for use. For example, a DVD player decompresses recorded video from a DVD so that one may view the video.

The Diaz patent describes technology that allows an encoder or decoder to share memory with other devices on the same electronic system. Decoding and encoding audio and video without any loss of data or other interruption can require significant amounts of memory. Before the Diaz patent, electronic systems would often incorporate dedicated memory that serviced only the encoder or decoder. Although the dedicated memory allowed for efficient operation, it also increased the device's cost. The Diaz patent allows an encoder or decoder to operate without interruption and without expensive dedicated memory. The Diaz patent discloses a shared memory interface with an arbiter device that regulates the memory access from the decoder/encoder and other devices to the shared memory.

Real Time Operation

The Court adopts ST's proposed construction of "real time operation" and construes it to mean "processing fast enough to keep up with an input data stream." In part, the Court finds that a person of ordinary skill in the art would apply ST's proposed construction as the term's ordinary meaning because the relevant technical dictionary defines "real time" as "a system or mode of operation in which computation is performed during the actual time that an external process occurs." *IEEE Standard Dictionary of Elec. & Elecs. Terms*, at 879 (6th ed. 1996). The relevant dictionary definition indicates that real time concerns the processor's ability to "keep up with" the data input. Moreover, because the term is concerned with the processor's ability to keep up with the input, Motorola's proposed construction[2] improperly shifts the focus to the viewer or listener.

Selectively Providing Access

The Court adopts ST's proposed construction of "selectively providing access" and construes it to mean "determining which of a plurality of devices coupled to a bus is allowed access to the memory based on a priority scheme." Comparison of ST's proposed construction with Motorola's[3] demonstrates agreement that the term should include: multiple devices, a bus, memory access, and a priority scheme. The dispute over this term regards Motorola's attempt to include other limitations in this claim term. For example, Motorola would include the limitation "that the decoder operates in real time" in the definition of "selectively providing access." Although it is true that claim 1 of the Diaz patent concerns real time operation, that limitation is found in the claim language "requires

[2]Motorola's proposed construction is: "operation of the decoder so that the rate of decoding is faster or the same as the display rate and the human viewer or listener cannot detect any loss of information."

[3]Motorola's proposed construction is: "providing access using a priority scheme that ensures that the decoder operates in real time, without denying the other components on the bus access to the memory for an amount of time that would interfere with their operation."

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