

1 David A. Nelson (*pro hac vice*)
2 (Ill. Bar No. 6209623)
3 davenelson@quinnemanuel.com
4 QUINN EMANUEL URQUHART & SULLIVAN, LLP
5 500 West Madison St., Suite 2450
6 Chicago, Illinois 60661
7 Telephone: (312) 705-7400
8 Facsimile: (312) 705-7401

7 Karen P. Hewitt (SBN 145309)
8 kphewitt@jonesday.com
9 Randall E. Kay (SBN 149369)
10 rekay@jonesday.com
11 Kelly V. O'Donnell (SBN 257266)
12 kodonnell@jonesday.com
13 JONES DAY
14 4655 Executive Drive, Suite 1500
15 San Diego, California 92121
16 Telephone: (858) 314-1200
17 Facsimile: (844) 345-3178

15 Richard S. Zembek (*pro hac vice*)
16 richard.zembek@nortonrosefulbright.com
17 NORTON ROSE FULBRIGHT US LLP
18 1301 McKinney, Suite 5100
19 Houston, TX 77010
20 Telephone: (713) 651-5283

20 Attorneys for Plaintiff Qualcomm Incorporated

21	UNITED STATES DISTRICT COURT	
22	SOUTHERN DISTRICT OF CALIFORNIA	
23	QUALCOMM INCORPORATED,	CASE NO. 3:17-cv-2402-CAB-MDD
24	Plaintiff,	JOINT CLAIM CONSTRUCTION HEARING STATEMENT PURSUANT TO PATENT L.R. 4.2
25	vs.	
26	APPLE INC.,	
27	Defendant.	Judge: Cathy Ann Bencivengo

CASE No. Case No. 3:17-CV-02402-CAB-MDD

JOINT CLAIM CONSTRUCTION HEARING STATEMENT PURSUANT TO PATENT L.R. 4.2

1 Pursuant to this Court’s Patent L.R. 4.2 and to the Amended Case Management
2 Order (Dkt. 116), Plaintiff Qualcomm Incorporated (“Qualcomm”) and Defendant
3 Apple Incorporated (“Apple”) hereby provide their Joint Claim Construction Hearing
4 Statement, Joint Claim Construction Chart, and Joint Claim Construction Worksheet
5 regarding constructions of claim terms, phrases, and/or clauses for U.S. Patent Nos.
6 7,834,591; 8,447,132; 8,768,865; 8,971,861; and 9,024,418 (along with U.S. Patent
7 No. 8,229,043,¹ the “Asserted Patents”).

8 **I. Twelve Terms/phrases whose construction will be most significant to the**
9 **resolution of the case**

10 The Parties submit the following twelve terms² as the most significant to the
11 resolution of the case:

12 **Jointly Proposed:**

- 13 1. “host computer system” / “one or more processors” (’861 Patent)
- 14 2. “means for analyzing the physiological state data collected from the
15 user of the mobile device” (’861 Patent)
- 16 3. “plurality of predefined content” (’861 Patent)
- 17 4. “means for making a determination that a first group of adjacent pixels
18 in a digital image represents a physical object of a predetermined type”
19 (’132 Patent)

20 **Qualcomm:**

- 21 5. “to couple the first gate layer for the second transistor to a power
22 supply node (’418 Patent)
- 23 6. “mobile device” (’861 Patent)
- 24 7. “maximum current capacity” (’591 Patent)

25 _____
26 ¹ Qualcomm is also asserting U.S. Patent No. 8,229,043. The parties have not
27 identified any disputed terms for the asserted claims of this patent.

28 ² While Local P.R. 4.2(a) references ten terms, the Court instructed the parties to
identify “the top 12 terms.” Feb. 7, 2018 CMC Transcript at 6:22-7:8.

1 8. “pattern” (’865 Patent)

2 **Apple:**

3 9. “USB” (’591 Patent)

4 10. “object detection unit” (’132 Patent)

5 11. “condition” (’865 Patent)

6 12. “gate-directed local interconnect configured to couple to” (’418 Patent)

7
8 Depending on the construction adopted by the Court, the following terms
9 among the above-listed twelve terms are considered by the Parties to be case or
10 claim dispositive:

11 **Qualcomm:**

- 12 • “host computer system” / “one or more processors” (’861 Patent):
13 Qualcomm believes Apple intends to assert noninfringement under
14 Apple’s construction
- 15 • “means for analyzing the physiological state data collected from the
16 user of the mobile device” (’861 Patent): Apple asserts that this claim
17 element is indefinite, which would render the claim element in which it
18 appears invalid
- 19 • “means for making a determination that a first group of adjacent pixels
20 in a digital image represents a physical object of a predetermined type”
21 (’132 Patent): Apple asserts that this claim element is indefinite, which
22 would render the claim element in which it appears invalid
- 23 • “to couple the first gate layer for the second transistor to a power
24 supply node (’418 Patent): Qualcomm’s construction corrects an
25 obvious error to assist in performing infringement and validity analysis
- 26 • “mobile device” (’861 Patent): Qualcomm believes Apple intends to
27 assert noninfringement under Apple’s construction
- 28

- 1 • “maximum current capacity” (’591 Patent) : Apple asserts that this
- 2 claim element is indefinite, which would render the claim element in
- 3 which it appears invalid
- 4 • “pattern” (’865 Patent) : Apple asserts that this claim element is
- 5 indefinite, which would render the claim element in which it appears
- 6 invalid
- 7 • “USB” (’591 Patent): Qualcomm believes Apple intends to assert
- 8 noninfringement under Apple’s construction
- 9 • “object detection unit” (’132 Patent): Apple asserts that this claim
- 10 element is indefinite, which would render the claim element in which it
- 11 appears invalid
- 12 • “condition” (’865 Patent) : Apple asserts that this claim element is
- 13 indefinite, which would render the claim element in which it appears
- 14 invalid
- 15 • “gate-directed local interconnect configured to couple to” (’418
- 16 Patent): Apple asserts that this claim element is indefinite, which would
- 17 render the claim element in which it appears invalid

18 **Apple:**

- 19 • “host computer system” / “one or more processors” (’861 Patent):
- 20 Apple’s proposed construction of these terms, which appear in all but
- 21 one asserted claim, are dispositive of Qualcomm’s infringement
- 22 allegations for those asserted claims.
- 23 • “means for analyzing the physiological state data collected from the
- 24 user of the mobile device” (’861 Patent): Apple asserts that this claim
- 25 element is indefinite, rendering the claim in which it appears invalid.
- 26 • “plurality of predefined content” (’861 Patent): Apple’s proposed
- 27 construction is dispositive of at least certain of Qualcomm’s
- 28 infringement allegations.

- 1 • “means for making a determination that a first group of adjacent pixels
2 in a digital image represents a physical object of a predetermined type”
3 (’132 Patent): Apple asserts that this claim element is indefinite,
4 rendering the claim in which it appears invalid.
- 5 • “USB” (’591 Patent): Apple’s proposed construction is dispositive of
6 at least certain of Qualcomm’s infringement allegations.
- 7 • “object detection unit” (’132 Patent): Apple asserts that this claim
8 element is indefinite, rendering the claim in which it appears invalid.
- 9 • “condition” (’865 Patent): Apple asserts that this claim element is
10 indefinite, rendering the claims in which it appears indefinite, because
11 the term’s scope is not reasonably certain in view of the patent’s
12 overlapping and inconsistent descriptions of “condition” and the
13 separate claim term, “pattern.”
- 14 • “pattern” (’865 Patent): Apple asserts that this claim element is
15 indefinite, rendering the claims in which it appears indefinite, because
16 the term’s scope is not reasonably certain in view of the patent’s
17 overlapping and inconsistent descriptions of “pattern” and the separate
18 claim term, “condition.”
- 19 • “gate-directed local interconnect configured to couple to” (’418 patent):
20 Apple asserts that this claim element is indefinite, rendering the claim
21 in which it appears invalid.
- 22 • maximum current capacity (’591 Patent): Apple asserts that this claim
23 element is indefinite, rendering the claim in which it appears invalid.

24 **II. Anticipated length of time necessary for the claim construction hearing**

25 The parties anticipate the Claim Construction Hearing taking about six (6)
26 hours, with the time proportionally divided between Qualcomm and Apple. In
27 addition, pursuant to the Court’s request at the February 7, 2018 Case Management
28 Conference, the parties intend to provide technology tutorials regarding the

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