

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN STATIC RANDOM ACCESS
MEMORIES AND PRODUCTS CONTAINING
THE SAME**

Inv. No. 337-TA-792

**ORDER 29: CONSTRUING THE TERMS OF THE ASSERTED CLAIMS OF
THE PATENTS AT ISSUE**

(February 9, 2012)

Qualcomm Incorporated

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	IN GENERAL.....	2
III.	RELEVANT LAW	2
IV.	LEVEL OF ORDINARY SKILL IN THE ART	5
V.	THE '805 PATENT	6
A.	Overview.....	6
B.	Agreed-Upon and Disputed Claim Terms	7
1.	Construction of Agreed-Upon Claim Terms.....	7
a)	“active regions”.....	7
b)	“substantially oblong active regions”	7
c)	“substantially oblong polysilicon structures”	8
d)	“substantially oblong local interconnects”.....	8
2.	Construction of Disputed Claim Term.....	9
a)	“local interconnects”	9
VI.	THE '134 PATENT	11
A.	Overview.....	11
B.	Agreed-Upon and Disputed Claim Terms	12
1.	Construction of Agreed-Upon Claim Terms.....	12
a)	“external address signal”	12
b)	“non-interruptible”	12
c)	“burst”	13
2.	Construction of Disputed Claim Terms	13
a)	“internal address signal”	13
b)	“logic circuit”	15
c)	“predetermined number of [said] internal address signals.....	17
VII.	THE '477 PATENT	19
A.	Overview.....	19
B.	Agreed-Upon and Disputed Claim Terms	20
1.	Construction of Agreed-Upon Claim Terms.....	20
a)	“sensing read data”	20
b)	“sending write data across a write path”	20
c)	“multiplexer”	20
d)	“in parallel”	20
e)	“while”	21
2.	Construction of Disputed Claim Terms	21
a)	“storing” and “sending”	21
b)	“holding the write address held within a set of registers”	24

VIII.	THE '937 PATENT	27
A.	Overview.....	27
B.	Agreed-Upon and Disputed Claim Terms	28
1.	Construction of Agreed-Upon Claim Term	28
a)	“periodic signal”	28
2.	Construction of Disputed Claim Terms	28
a)	“wherein said periodic signal is configured to control data transfer operations”	28
b)	“in response to a . . . transition of said periodic signal”	32
c)	“transition”	34
d)	“complementary”	36

I. INTRODUCTION

This Investigation was instituted by the Commission on July 28, 2011 to determine whether certain static random access memories and products containing same infringe U.S. Patent Nos. 6,534,805 (the “’805 patent”); 6,651,134 (the “’134 patent”); 7,142,477 (the “’477 patent”); and 6,262,937 (the “’937 patent”).¹ See Fed. Reg. 45,295-96 (July 28, 2011). The named respondents are GSI Technology, Inc.; Telefonaktiebolaget LM Ericsson; Ericsson Inc.; Motorola Mobility, Inc.; Motorola Solutions, Inc.; Tellabs, Inc.; Cisco Systems, Inc.; Avnet, Inc.; and Hewlett-Packard Company/Tipping Point (collectively, “Respondents”).

Pursuant to Ground Rule 5A, a *Markman* hearing was held on October 14, 2011 regarding the interpretation of certain terms of the asserted claims of the patents at issue, namely:

- Claims 1, 2, and 4–6 of the ’805 patent;
- Claims 1, 2 and 12–15 of the ’134 patent;
- Claims 8 and 9 of the ’477 patent; and
- Claims 1, 2, 6, 12, and 13 of the ’937 patent.

Prior to the hearing, Complainant Cypress Semiconductor Corp. (“Cypress”) and Respondents met and conferred in an effort to reduce the number of disputed claim terms to a minimum. The parties also filed initial and reply claim construction briefs, wherein each party offered its construction for the claim terms in dispute, along with support for its proposed interpretation. After the hearing and pursuant to Order No. 7, the parties submitted an updated Joint Claim Construction Chart.²

¹ Complainant Cypress Semiconductor Corp. is presently the owner, by assignment, of the patents-in-suit. (2d Am. Compl. at ¶ 1.3; Ex. 4 to 2d Am. Compl.)

² The claim terms discussed in detail in this Order were identified in the Updated Joint Proposed Claim Construction Chart as being agreed upon or remaining in dispute. For convenience, the briefs and chart submitted by the parties for the *Markman* hearing are referred to hereafter as follows:

II. IN GENERAL

The claim terms construed in this Order are done so for the purposes of this Section 337 Investigation. Those terms not in dispute need not be construed. *See Vanderlande Indus. Nederland BV v. Int'l Trade Comm'n*, 366 F.3d 1311, 1323 (Fed. Cir. 2004) (noting that the administrative law judge need only construe disputed claim terms).

Hereafter, discovery and briefing in this Investigation shall be governed by this construction of the claim terms. **All** other claim terms shall be deemed undisputed and shall be interpreted by the undersigned in accordance with “their ordinary meaning as viewed by one of ordinary skill in the art.” *Apex Inc. v. Raritan Computer, Inc.*, 325 F.3d 1364, 1371 (Fed. Cir. 2003), *cert. denied*, 540 U.S. 1073 (2003).

III. RELEVANT LAW

“An infringement analysis entails two steps. The first step is determining the meaning and scope of the patent claims asserted to be infringed. The second step is comparing the properly construed claims to the device accused of infringing.” *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 976 (Fed. Cir. 1995) (*en banc*) (internal citations omitted), *aff'd*, 517 U.S. 370 (1996). Claim construction is a “matter of law exclusively for the court.” *Id.* at 970-71. “The construction of claims is simply a way of elaborating the normally terse claim language in order to understand and explain, but not to change, the scope of the claims.” *Embrex, Inc. v. Serv. Eng'g Corp.*, 216 F.3d 1343, 1347 (Fed. Cir. 2000).

CMIB	Cypress's <i>Markman</i> Initial Brief
CMRB	Cypress's <i>Markman</i> Reply Brief
RMIB	Respondents' <i>Markman</i> Initial Brief
RMRB	Respondents' <i>Markman</i> Reply Brief
JC	Updated Joint Proposed Claim Construction Chart

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.