

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAVOLTERRA SEMICONDUCTOR  
CORPORATION,

Case No. C-08-05129 JCS

Plaintiff,

ORDER CONSTRUING CLAIM TERM  
“FABRICATED ON A SURFACE OF THE  
SUBSTRATE”

v.

PRIMARION, INC., ET AL.,

Defendants.  

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On November 12, 2008, Plaintiff Volterra Semiconductor Corporation (“Volterra”) filed a complaint alleging infringement and contributory infringement by Defendants of the following patents: 1) U.S. Patent No. 6,278,264 (the “‘264 patent”); 2) U.S. Patent No. 6,462,522 (the “‘522 patent”); 3) U.S. Patent No. 6,713,823 (the “‘823 patent”); 4) U.S. Patent No. 6,020,729 (the “‘729 patent”); and 5) U.S. Patent No. 6,225,795 (the “‘795 patent”). The Court construed a number of claim terms found in the asserted claims of these patents in an Order filed February 22, 2010 [Docket No. 697] (“the Claim Construction Order”). However, it did not construe the term “fabricated on a surface of the substrate,” found in claims 26 and 34 of the ‘264 patent and claims 22 and 24 of the ‘522 patent. Although the Court had *tentatively* construed that term in its November 17, 2009 preliminary injunction order (“the Preliminary Injunction Order”), it did not address the term in its Claim Construction Order because the parties did not include it in their list of claim terms to be construed. The parties now request that the Court construe the term. Having carefully reviewed the briefs of the parties, the Court adopts Volterra’s proposed construction for the reasons stated in the Preliminary Injunction Order at 29-33. Accordingly, the Court construes the term

1 “fabricated on a surface of the substrate” to mean “formed upon metal conductive layers of the  
2 integrated circuit chip and positioned above the substrate.”

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4 IT IS SO ORDERED.

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6 Dated: June 9, 2010

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12 JOSEPH C. SPERO  
13 United States Magistrate Judge  
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