Elan Microelectronics Corporation v. Apple, Inc.

Doc. 60 Att. 5

Exhibit E - US Patent No. 6,933,929

Agreed Constructions

Claim Term, Phrase, or Clause	Agreed Construction
"about the periphery of the opening"	"around the edges of the opening"
(claim 10)	

Disputed Constructions

Claim Term,	Apple's	Intrinsic	Extrinsic	Elan's	Intrinsic	Extrinsic
Phrase, or	Proposed	Evidence	Evidence	Proposed	Evidence	Evidence
Clause	Construction			Construction		
"wall" (claim 10)	No construction necessary.	Claim 10; Fig. 4A; Fig. 4B; 8:18-26; APEL0001548- 49; APEL0001560		upright surfaces of the recess and the opening; thickness of a device housing	Col. 8:27-31; Figs. 4A-4B; Claims 10 and 14; and associated text. '929 patent prosecution history including but not limited to the 7/15/2003 office action pp. 3-6, the 3/22/2004 amendments and response pp. 2-7, the 6/28/2004 office action pp. 2-5, the 9/2/2004	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms. U.S. Patent No. 5,920,310 to Faggin <i>et al.</i> (Bates No. ELN015937- 015950); U.S. Patent No.

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
					amendments and	6,262,717 to
					response pp. 2-9,	Donohue et al.
					the 12/3/2004	(Bates No.
					amendments and	ELN016046-
					response pp. 2-8,	016061); U.S.
					and references	Patent No.
					cited therein.	6,219,038 to Cho
						(Bates No.
						ELN016036-
						016045); U.S.
						Patent No.
						6,392,637 to
						Liao et al. (Bates
						No.
						ELN016117-
						016127); and
						U.S. Patent No.
						RE40,323 to Bae
						(Bates No.
						ELN016626-
						016640) as cited
						in Elan's
						Invalidity
						Contentions.
"substantially	No construction	Claim 12; Fig.		largely but not	Col. 8:15-17;	Mr. Dezmelyk is
flush"	necessary.	4A; 1:47-56;		wholly even or	8:62-65; 9:5-7;	expected to
(claim 12)		8:7-17; 8:60-9:7;		same-level	9:12-16; 9:26-	provide
		APEL0001509;			33; 12:35-39;	testimony
		APEL0001560			Figs. 4A-4B;	regarding how
					Claims 1, 12 and	one skilled in the

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
					22; and	art would have
					associated text.	read and
					'929 patent	understood the
					prosecution	disputed claim
					history including	terms.
					but not limited to	U.S. Patent No.
					the 7/15/2003	5,920,310 to
					office action pp.	Faggin <i>et al</i> .
					3-6, the	(Bates No.
					3/22/2004	ELN015937-
					amendments and	015950); U.S.
					response pp. 2-7,	Patent No.
					the 6/28/2004	6,219,038 to Cho
					office action pp.	(Bates No.
					2-5, the 9/2/2004	ELN016036-
					amendments and	016045); U.S.
					response pp. 2-9,	Patent No.
					the 12/3/2004	6,392,637 to
					amendments and	Liao et al. (Bates
					response pp. 2-8,	No.
					and references	ELN016117-
					cited therein	016127); and
						U.S. Patent No.
						RE40,323 to Bae
						(Bates No.
						ELN016626-
						016640) as cited
						in Elan's
						Invalidity
						Contentions.

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
"housing"	No construction	Claim 10; Claim		a rigid structure	Cols. 1:18-20;	Mr. Dezmelyk is
(claims 10, 12,	necessary.	12; Claim 14;		enclosing the	1:22-30; 1:38-	expected to
14, 15, 17)		Claim 15; Claim		components and	56; 2:19-28; 3:1-	provide
		17; Fig. 4A; Fig.		circuitry of a	6;7:61-8:6; 8:7-	testimony
		4B;1:22-24;		device; a	16; 8:20-31; 9:5-	regarding how
		1:38-46; 1:47-		"bracket	7; 9:10-16; 9:26-	one skilled in the
		56; 2:44-56; 3:1-		structure"	33; Abstract;	art would have
		6; 7:57-8:17;		supporting a	Figs. 4A-4B;	read and
		8:18-26; 8:27-		trackpad from	Claims 1, 7-10,	understood the
		46; 8:60-9:7;		the inside of the	12-15, 18 and	disputed claim
		9:8-23; 9:24-33		device enclosure	21-24; and	terms.
				is not a	associated text.	U.S. Patent No.
				"housing"	'929 patent	5,920,310 to
					prosecution	Faggin <i>et al</i> .
					history including	(Bates No.
					but not limited to	ELN015937-
					the 7/15/2003	015950); U.S.
					office action pp.	Patent No.
					3-6, the	6,262,717 to
					3/22/2004	Donohue et al.
					amendments and	(Bates No.
					response pp. 2-7,	ELN016046-
					the 6/28/2004	016061); U.S.
					office action pp.	Patent No.
					2-5, the 9/2/2004	6,219,038 to Cho
					amendments and	(Bates No.
					response pp. 2-9,	ELN016036-
					the 12/3/2004	016045); U.S.
					amendments and	Patent No.
					response pp. 2-8,	6,392,637 to

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
					and references cited therein.	Liao <i>et al.</i> (Bates No. ELN016117- 016127); and U.S. Patent No. RE40,323 to Bae (Bates No. ELN016626- 016640) as cited in Elan's Invalidity Contentions. <i>McGraw-Hill</i> <i>Dictionary of</i> <i>Scientific and</i> <i>Technical Terms,</i> <i>Third Edition,</i> p.769 (Bates Nos.
"track pad label" (claims 13, 15)	"a protective label that is placed over the touch pad"	Claim 13; Claim 15; Fig. 4A; 8:7- 17; 8:18-26; 8:47-59; 8:60- 9:7; 9:8-23; APEL0001532- 33	Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	a protective covering over the track pad	Cols. 8:20-24; 8:38-46; 8:50- 59; 8:65-9:18; Figs. 4A-4B; Claims 1, 4-5, 7- 9, 13-15 and 21- 24; and associated text. '929 patent prosecution	ELN017232-34). Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
					history including but not limited to the 7/15/2003 office action pp. 3-6, the 3/22/2004 amendments and response pp. 2-7, the 6/28/2004 office action pp. 2-5, the 9/2/2004 amendments and response pp. 2-9, the 12/3/2004 amendments and response pp. 2-8, and references cited therein.	terms. U.S. Patent No. 6,262,717 to Donohue <i>et al.</i> (Bates No. ELN016046- 016061); U.S. Patent No. 6,219,038 to Cho (Bates No. ELN016036- 016045); and U.S. Patent No. 6,392,637 to Liao <i>et al.</i> (Bates No. ELN016117- 016127) as cited in Elan's Invalidity Contentions.
"substantially the same thickness" (claim 16)	No construction necessary.	Claim 16; 8:27- 46; 8:60-9:7		largely but not wholly the same in thickness	Cols.1:52-56; 8:2-6; 8:43-46; Figs. 4A-4B; Claims 16 and 21; and associated text. '929 patent prosecution history including	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the

Claim Term, Phrase, or	Apple's Proposed	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
Clause	Construction			Construction	but not limited to	disputed claim
						-
					the 7/15/2003	terms. U.S. Patent No.
					office action pp.	
					3-6, the	5,920,310 to
					3/22/2004	Faggin <i>et al</i> .
					amendments and	(Bates No.
					response pp. 2-7,	ELN015937-
					the 6/28/2004	015950); U.S.
					office action pp.	Patent No.
					2-5, the 9/2/2004	6,219,038 to Cho
					amendments and	(Bates No.
					response pp. 2-9,	ELN016036-
					the 12/3/2004	016045); U.S.
					amendments and	Patent No.
					response pp. 2-8,	6,392,637 to
					and references	Liao et al. (Bates
					cited therein	No.
						ELN016117-
						016127); U.S.
						Patent No.
						RE40,323 to Bae
						(Bates No.
						ELN016626-
						016640) as cited
						in Elan's
						Invalidity
						Contentions.