

Exhibit 1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**ST. CLAIR INTELLECTUAL PROPERTY
CONSULTANTS, INC.,**

Plaintiff,

v.

ACER, INC., et al.,

Defendants.

Civil Action No. 09-354-LPS
Civil Action No. 09-704-LPS
CONSOLIDATED CASES

MICROSOFT CORPORATION,

Plaintiff,

v.

**ST. CLAIR INTELLECTUAL PROPERTY
CONSULTANTS, INC.,**

Defendant.

Civil Action No. 10-282- LPS

EXHIBIT 1

**DEFENDANTS' IDENTIFICATION OF ADDITIONAL PROPOSED
CLAIM CONSTRUCTION TERMS AT ISSUE AS IDENTIFIED TO ST. CLAIR ON
NOVEMBER 12, 2010 PURSUANT TO THE SCHEDULING ORDER**

`959, `929, `175, `025 Claim Terms/Phrase	Defendants' Proposed Construction
<p>“directly connects”</p> <p>(`959 Patent, Claim 1) (`929 Patent, Claims 1-4, 6, 8-9, and 11-12) (`175 Patent, Claims 1-3, 5-6, 13, 15, and 17)</p>	Connects without any intervening devices
<p>“stored activity count”</p> <p>(`929 Patent, Claim 6) (`175 Patent, Claims 1, 17, 20, and 23)</p>	A running sum of activity values stored in memory
<p>“predefined code thread”</p> <p>(`025 Patent, Claims 1, 2, and 6)</p>	A predefined, elemental DOS code segment that is executable by an operating system
<p>“threads”</p> <p>(`959 Patent, Claim 2)</p>	Elemental executable DOS code segments
<p>“active and idle process”</p> <p>(`025 Patent, Claim 38)</p>	Indefinite
<p>“statistical evaluation”</p> <p>(`025 Patent, Claims 32, 35, 36, 38, and 47)</p>	Indefinite
“Means for Identifying” Limitations ¹	
<p>“means for identifying each of said plurality of activities as either an active activity or an idle activity and for associating each of said plurality of activities with a predetermined activity value and with either it [sic] first arithmetic sign for activities identified as active activities or with a second arithmetic sign opposite to said first sign for activities identified as idle activities”</p> <p>(`959 Patent, Claim 1)</p> <p>and</p> <p>“means for identifying each of said plurality of activities as either an active activity or an idle activity and for associating each of said</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> Identifying each of said plurality of activities as either an active activity or an idle activity and for associating each of said plurality of activities with a predetermined activity value and either with a first arithmetic sign for activities identified as active activities or with a second arithmetic sign opposite to said first sign for activities identified as idle activities.</p> <p><u>Corresponding Structure:</u> No disclosed structure (i.e., claim is indefinite)</p>

¹ Given the parties' previous agreement on the identified function of certain means plus function limitations, Defendants identify only their proposed corresponding structures for such limitations.

**DEFENDANTS' IDENTIFICATION OF PROPOSED
CLAIM CONSTRUCTION TERMS¹**

`959, `929, `175, `025 Claim Terms/Phrase	Defendants' Proposed Construction
<p>plurality of activities with a predetermined activity value and with either a first arithmetic sign for activities identified as active activities or with a second arithmetic to said first sign for activities identified as idle activities”</p> <p>(`175 Patent, Claims 1-3 and 5-6)</p> <p>and</p> <p>“means for identifying each of said plurality of activities as either an active activity or an idle activity and for associating each of said plurality of activities with a predetermined activity value and with either a first arithmetic sign for activities identified as active activities or with a second arithmetic sign opposite to said first sign for activities identified as idle activities”</p> <p>(`175 Patent, Claim 17)</p> <p>and</p> <p>“means for identifying each of a plurality of computer operational activities as either an active activity or an idle activity and for associating each of said plurality of activities with a predetermined activity value and with either a first arithmetic sign for activities identified as active activities or with a second arithmetic sign opposite to said first sign for activities identified as idle activities</p> <p>(`929 Patent, Claim 6)</p>	
<p>“means for identifying each of said plurality of function calls as either an active function call or an idle function call and for associating each of said plurality of function calls with a predetermined function call value and with either a first arithmetic sign</p>	<p>Governed by 112, ¶6.</p> <p><u>Function</u>: Identifying each of said plurality of function calls as either an active function call or an idle function call and for associating each of said plurality of function</p>

**DEFENDANTS' IDENTIFICATION OF PROPOSED
CLAIM CONSTRUCTION TERMS¹**

`959, `929, `175, `025 Claim Terms/Phrase	Defendants' Proposed Construction
<p>for function calls identified as active function calls or with a second arithmetic sign opposite to said first sign for function calls identified as idle function calls”</p> <p>(`959 Patent, Claim 5)</p>	<p>calls with a predetermined function call value and with either a first arithmetic sign for function calls identified as active function calls or with a second arithmetic sign opposite to said first sign for function calls identified as idle function calls.</p> <p><u>Corresponding Structure:</u> No disclosed structure (i.e., claim is indefinite)</p>
<p>“means for identifying each of said plurality of threads as either an active class thread or an idle class thread and for associating each of said plurality of threads with a predetermined thread value”</p> <p>(`959 Patent, Claim 6)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> Identifying each of said plurality of threads as either an active class thread or an idle class thread and for associating each of said plurality of threads with a predetermined thread value.</p> <p><u>Corresponding Structure:</u> No disclosed structure (i.e., claim is indefinite)</p>
“Means for Adding . . .” Limitations	
<p>“means for adding to a stored activity count, upon the occurrence of any one of said plurality of activities, a predetermined activity value associated with said particular activity”</p> <p>(`959 Patent, Claim 1) (`929 Patent, Claim 6)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> adding to a stored activity count, upon the occurrence of any one of said plurality of activities, a predetermined activity value associated with said particular activity.</p> <p><u>Corresponding Structure:</u> Software monitor 80, programmed with the code in TABLE 2, and programmed to perform the operation in Equation (1)</p>
<p>“means for adding to a stored function call count, upon the occurrence [sic] of any one said plurality of function calls, a predetermined function call value associated with each said particular function call”</p> <p>(`959 Patent, Claim 5)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> adding to a stored function call count, upon occurrence of any one of said plurality of function calls, a predetermined function call value associated with each said particular function call.</p> <p><u>Corresponding Structure:</u> Software monitor 80, programmed with the code in TABLE 2, and programmed to perform the operation in</p>

**DEFENDANTS' IDENTIFICATION OF PROPOSED
CLAIM CONSTRUCTION TERMS¹**

`959, `929, `175, `025 Claim Terms/Phrase	Defendants' Proposed Construction
	Equation (I) in Column 8, based on the predetermined activity values.
<p>“means for adding to said count, upon the occurrence [sic] of anyone of said plurality of threads, a predetermined value associated with each said particular thread”</p> <p>(`959 Patent, Claim 6)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> Adding to said count, upon the occurrence of anyone of said plurality of threads, a predetermined value associated with each said particular thread.</p> <p><u>Corresponding Structure:</u> Software monitor 80, programmed with the code in TABLE 2, and programmed to perform the operation in Equation (1) in Column 8, based on the predetermined activity values.</p>
“Means for Comparing . . .” Limitations	
<p>“means for comparing the accumulated stored activity count with a conserve threshold and for causing a CONSERVE signal if the accumulated activity count has a predetermined algebraic relationship relative to the conserve threshold”</p> <p>(`959 Patent, Claim 1) (`175 Patent, Claims 1-3 and 5-6)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> Comparing the accumulated stored activity count with a conserve threshold and for causing a command to either DOZE or SLEEP if the accumulated activity count has a predetermined algebraic relationship relative to the conserve threshold.</p> <p><u>Corresponding Structure:</u> Software monitor 80, programmed with the code in TABLE 2, and programmed to perform the operation in FIG. 6 and to send a signal to either doze or sleep if the count is greater than or equal to the threshold (a “Y” answer to whether the accumulated stored activity count (<i>L</i>) is greater than or equal to the threshold (TH) in FIG. 6, followed by a command to enter DOZE or SLEEP).</p>
<p>“means for comparing the accumulated stored activity count with a conserve threshold and for causing said first inactivity indicator when said computer system is operating in said first state and said second inactivity indicator signal when said computer system is operating in said second state if the accumulated activity</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> Comparing the accumulated stored activity count with a conserve threshold and for causing said first inactivity indicator when said computer system is operating in said first state and said second inactivity indicator signal when said</p>

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`959, `929, `175, `025 Claim Terms/Phrase	Defendants' Proposed Construction
<p>count has a predetermined algebraic relationship relative to the conserve threshold”</p> <p>(`929 Patent, Claim 6)</p>	<p>computer system is operating in said second state if the accumulated activity count has a predetermined algebraic relationship relative to the conserve threshold.</p> <p><u>Corresponding Structure:</u> Software Monitor 80, Fig. 2, programmed to perform the operation in Fig. 6 and to send a signal to enter either DOZE or SLEEP states if the stored activity count is great than or equal to the threshold (TH).</p>
“Means for Withholding . . .” Limitation	
<p>“means for withholding said operating power from anyone or more selected ones of said plurality of computer system devices in response to said first conserve power signal”</p> <p>(`175 Patent, Claim 17)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> Withholding operating power from anyone or more selected devices from said plurality of computer system devices in response to said first conserve power signal.</p> <p><u>Corresponding Structure:</u> Bits in registers 57-60, power control unit 17, multiplexer 76. Fig. 3 and switches 22 in Fig. 1.</p>
“Power Director Means . . .” Limitations	
<p>“power director means which in response to the mode of operation established by said mode controller selectively couples each of the plurality of power control lines to said memory cell such that a signal is generated on the power control line that is dependent upon the state of the memory cell”</p> <p>(`175 Patent, Claim 8)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> Selectively couples power control lines to a memory cell.</p> <p><u>Corresponding Structure:</u> Multiplexer 76, Fig. 3 and state encoded on STATE lines 34 from unit 23.</p>
<p>“power director means alters said bit to change control data on that power control line in each of the three modes of operation”</p> <p>(`175 Patent, Claim 11)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> In addition to function of “power director means” recited above, altering a bit of said memory cell to change control data on that power control line in each of the three modes of operation.</p> <p><u>Corresponding Structure:</u> Multiplexer 76, Fig. 3 and state encoded on STATE lines 34 from unit 23, and polar reg 61 and exor 35,</p>

**DEFENDANTS' IDENTIFICATION OF PROPOSED
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`959, `929, `175, `025 Claim Terms/Phrase	Defendants' Proposed Construction
	Fig. 3.
“Idle Thread Execution Completion Detection Means . . .” Limitation	
<p>“idle thread execution completion detection means for monitoring said computer system to detect completion of execution of all idle threads executing on said system while operating in said first mode”</p> <p>(`025 Patent, Claim 48)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> Monitoring said computer system to detect completion of execution of all idle threads executing on said system while operating in said first mode</p> <p><u>Corresponding Structure:</u> No disclosed structure (i.e., claim is indefinite)</p>
“Processor Clock Speed Control Means . . .” Limitation	
<p>“processor clock speed control means for slowing or stopping said processor clock signal in response to said idle thread execution completion detection”</p> <p>(`025 Patent, Claim 48)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> Slowing or stopping said processor clock signal in response to said idle thread execution completion detection.</p> <p><u>Corresponding Structure:</u> No disclosed structure (i.e., claim is indefinite)</p>

`130 Claim Term/Phrase	Defendants' Proposed Construction
<p>“primary means for executing control software</p> <p>(`130 patent, claims 1 and 6-10)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u></p> <p>Executing the control software.</p> <p><u>Corresponding Structure:</u></p> <p>Processing Unit (CPU)</p>
<p>“primary means for executing ... control software”</p> <p>(`130 patent, claim 12)</p>	
<p>“control software”</p> <p>(`130 patent, claims 1, 6-10, and 12)</p>	The device driver for the pluggable card.
<p>“asynchronous means that operates independently of said control software”</p> <p>(`130 patent, claim 2)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u></p> <p>Storing said voltage code in said voltage select means without using the control software</p> <p><u>Corresponding Structure:</u></p> <p>Card detect logic 21 and asynchronous load logic</p>

**DEFENDANTS' IDENTIFICATION OF PROPOSED
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'130 Claim Term/Phrase	Defendants' Proposed Construction
	27.
<p>“synchronous means that operates under the control of said software” (‘130 patent, claim 4)</p>	<p>Governed by 112, ¶6. <u>Function:</u> storing said voltage code in said voltage select means using the control software <u>Corresponding Structure:</u> Voltage limit register 22 and limit gate 23</p>
<p>“current version” (‘130 patent, claims 6 and 12)</p>	<p>A version of the driver that uses an address for the voltage select register that has never been used by old control software versions</p>
<p>“signal means for providing a CD signal for indicating when the pluggable card is plugged into the computer system” (‘130 patent, claims 1, 8-10, and 12)</p>	<p>Governed by 112, ¶6. <u>Function:</u> Providing a CD signal indicating when a card is plugged into the system. <u>Corresponding Structure:</u> Card detect logic</p>
<p>“power control means for controlling said power switching means to select one of said supply voltages” (‘130 patent, claims 1, 6-10, and 12)</p>	<p>Governed by 112, ¶6. <u>Corresponding Structure:</u> PCMCIA control unit 13 <u>Function:</u> Controlling the power switching means to select one of said supply voltages</p>
<p>“voltage select means for storing a voltage code for specifying said one of said supply voltages” (‘130 patent, claims 1, and 9-10)</p>	<p>Governed by 112, ¶6. <u>Function:</u> Storing a voltage code specifying the voltage to be provided to the pluggable card <u>Corresponding Structure:</u> Voltage select register 24</p>
<p>“voltage select means operable only in response to said current version of said control software for storing a voltage code for specifying said one of said supply voltages” (‘130 patent, claims 6 and 12)</p>	<p>Governed by 112, ¶6. <u>Function:</u> Storing a voltage code for specifying said one of said supply voltages only in response to the current version of the control software <u>Corresponding Structure:</u> Voltage select register 24 and address decoder 26</p>

**DEFENDANTS' IDENTIFICATION OF PROPOSED
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'130 Claim Term/Phrase	Defendants' Proposed Construction
<p>“voltage select means operable in response to said control software for storing a voltage code for specifying said one of said supply voltages” (‘130 patent, claim 7-8)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> Storing a voltage code for specifying said one of said supply voltages in response to the control software</p> <p><u>Corresponding Structure:</u> Voltage select 24 and address decoder 26</p>
<p>“power enable means for enabling said voltage select means and operable to be reset in the absence of said CD signal” (‘130 patent, claims 1 and 9)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> Enabling the voltage select means (i.e., the voltage select register 24) and operable to be reset in the absence of the CD signal</p> <p><u>Corresponding Structure:</u> No disclosed structure (i.e., claim is indefinite)</p>
<p>“power enable means operable to be set in response to said control software for enabling said voltage select means” (‘130 patent, claims 6-7)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> Enabling the voltage select means (i.e., the voltage select register 24) to be set in response to the control software</p> <p><u>Corresponding Structure:</u> No disclosed structure (i.e., claim is indefinite)</p>
<p>“power enable means operable to be set in response to said control software for enabling said voltage select means and operable to be reset in the absence of said CD signal” (‘130 patent, claims 8, 12)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> Enabling said voltage select means (i.e., the voltage select register 24) to be set in response to said control software and operable to be reset in the absence of said CD signal</p> <p><u>Corresponding Structure:</u> No disclosed structure (i.e., claim is indefinite)</p>
<p>“power enable means for enabling said voltage select means” (‘130 patent, claim 10)</p>	<p>Governed by 112, ¶6.</p> <p><u>Function:</u> Enabling said voltage select means (i.e., the voltage select register 24)</p> <p><u>Corresponding Structure:</u></p>

**DEFENDANTS' IDENTIFICATION OF PROPOSED
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'130 Claim Term/Phrase	Defendants' Proposed Construction
	No disclosed structure (i.e., claim is indefinite)
<p>“code generating means operable for storing said voltage code in said voltage select means” (‘130 patent, claim 1)</p>	<p>Governed by 112, ¶6. <u>Corresponding Structure:</u> Voltage limit register 22 together with limit gates 23 or card detect logic 21 and asynchronous load logic 27. <u>Function:</u> Storing said voltage code in said voltage select means.</p>
<p>“code generating means operable for generating said voltage code” (‘130 patent, claims 6 and 8)</p>	<p>Governed by 112, ¶6. <u>Corresponding Structure:</u> Voltage limit register 22 together with limit gates 23 or card detect logic 21 and asynchronous load logic 27. <u>Function:</u> Generating said voltage code.</p>
<p>“code generating means ... operable in response to said control software for generating said voltage code and including limit means for limiting said voltage code to a maximum value” (‘130 patent, claims 7 and 12)</p>	<p>Governed by 112, ¶6. <u>Function:</u> generating said voltage code in response to the control software. <u>Corresponding Structure:</u> Voltage limit register 22 together with limit gates 23.</p>
<p>“limit means for limiting said voltage code to a maximum value” (‘130 patent, claims 7 and 12)</p>	<p>Governed by 112, ¶6. <u>Corresponding Structure:</u> Voltage limit register 22. <u>Function:</u> Limiting said voltage code to a maximum value</p>
<p>“asynchronous code generating means operable in response to said CD signal for storing said voltage code in said voltage select means” (‘130 patent, claims 9 and 12)</p>	<p>Governed by 112, ¶6. <u>Function:</u> Storing said voltage code in said voltage select means in response to said CD signal. <u>Corresponding Structure:</u> card detect logic 21 and asynchronous load logic 27.</p>

**DEFENDANTS' IDENTIFICATION OF PROPOSED
CLAIM CONSTRUCTION TERMS¹**

`130 Claim Term/Phrase	Defendants' Proposed Construction
<p>“code generating means operable in response to said CD signal for storing said voltage code in said voltage select means” (`130 patent, claim 10)</p>	<p>Governed by 112, ¶6. <u>Function:</u> Storing said voltage code in said voltage select means in response to said CD signal. <u>Corresponding Structure:</u> card detect logic 21 and asynchronous load logic 27.</p>

`163 Claim Terms/Phrase	Defendants' Proposed Construction
<p>“plurality of external bus devices connected to the processor for communicating with the processor at different times” (`163 patent, claims 1 and 13)</p>	<p>Two or more external bus devices connected to the processor, which communicate with the processor at different times.</p>
<p>“bus processing means for controlling the bus bandwidth of the common bus” (`163 patent, claims 1, 13, and 27)</p>	<p>Governed by 112, ¶6. <u>Function:</u> controlling the transfer rate of the common bus <u>Corresponding Structure:</u> bus processing unit 31 (shown in Fig. 3)</p>