IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC.,	:	
Plaintiff,	:	
v.	:	C.A. No. 08-309-LPS **REDACTED**
FAIRCHILD SEMICONDUCTOR INTERNATIONAL, INC., FAIRCHILD SEMICONDUCTOR CORPORATION, and SYSTEM GENERAL CORPORATION,	:	Public Version Released March 20, 2012
Defendants.	:	

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MEMORANDUM OPINION

March 13, 2012
Wilmington, Delaware

STARK, U.S. District Judge:

Pending before the Court are: (1) the issue of claim construction of four disputed terms found in U.S. Patent Nos. 7,834,605 (the "'605 patent"), 6,249,876 (the "'876 patent"), and 7,259,972 (the "'972 patent"); (2) Power's Motion for Summary Judgment of Infringement of the '605 Patent (D.I. 448); (3) Fairchild's Motion for Summary Judgment of Non-Infringement of the '605 Patent (D.I. 452); and (4) Fairchild's Motion for Summary Judgment that the '605 Patent is Invalid (D.I. 455).

I. INTRODUCTION

Plaintiff Power Integrations, Inc. ("Power") filed this patent infringement action against defendants Fairchild Semiconductor International, Inc., Fairchild Semiconductor Corporation, and System General Corporation (collectively, "Fairchild") on May 23, 2008, alleging infringement of the '876 patent and infringement of U.S. Patent Nos. 6,107,851 (the "'851 patent") and 7,110,270 (the "'270 patent"). (D.I. 1) On June 6, 2011, Power filed an amended complaint adding a claim for infringement of the '605 patent. (*See* D.I. 401) Fairchild filed its most recent amended answer and counterclaim on June 23, 2011, alleging infringement by Power of the '972 patent and of U.S. Patent No. 7,352,595 (the "'595 patent"). (*See* D.I. 404) The details of all the patents-in-suits and the procedural history of this litigation are set forth more fully in the Court's prior Opinion and Claim Construction Orders.[1] *See Power Integrations v. Fairchild Semiconductor Int'l, Inc.*, 763 F. Supp. 2d 671, 674 (D. Del. 2010); *see also* D.I. 212, D.I. 337.

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[1]The '851 and '876 patents, among others, were also the subject of a separate case between Power and Fairchild that was tried before this Court. *See Power Integrations, Inc. v. Fairchild Semiconductor Int'l, Inc.*, 578 F. Supp. 2d 698 (D. Del. 2008).

The Court heard argument on claim construction and the pending motions on December 13, 2011. *See* Mot. Hr'g Tr., December 13, 2011 (D.I. 507) (hereinafter "Tr.").

II. <u>LEGAL STANDARDS</u>

A. <u>Claim Construction</u>

"It is a bedrock principle of patent law that the claims of a patent define the invention to which the patentee is entitled the right to exclude." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (internal quotation marks omitted). Construing the claims of a patent presents a question of law. *See Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 977-78 (Fed. Cir. 1995), *aff'd*, 517 U.S. 370, 388-90 (1996). "[T]here is no magic formula or catechism for conducting claim construction." *Phillips*, 415 F.3d at 1324. Instead, the court is free to attach the appropriate weight to appropriate sources "in light of the statutes and policies that inform patent law." *Id.*

"[T]he words of a claim are generally given their ordinary and customary meaning . . . [which is] the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." *Id.* at 1312-13 (internal citations and quotation marks omitted). "[T]he ordinary meaning of a claim term is its meaning to the ordinary artisan after reading the entire patent." *Id.* at 1321 (internal quotation marks omitted). The patent specification "is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term." *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996).

While "the claims themselves provide substantial guidance as to the meaning of particular claim terms," the context of the surrounding words of the claim also must be considered.

Phillips, 415 F.3d at 1314. Furthermore, "[o]ther claims of the patent in question, both asserted and unasserted, can also be valuable sources of enlightenment . . . [b]ecause claim terms are normally used consistently throughout the patent . . . ." *Id.* (internal citation omitted).

It is likewise true that "[d]ifferences among claims can also be a useful guide . . . . For example, the presence of a dependent claim that adds a particular limitation gives rise to a presumption that the limitation in question is not present in the independent claim." *Id.* at 1314-15 (internal citation omitted). This "presumption is especially strong when the limitation in dispute is the only meaningful difference between an independent and dependent claim, and one party is urging that the limitation in the dependent claim should be read into the independent claim." *SunRace Roots Enter. Co., Ltd. v. SRAM Corp.*, 336 F.3d 1298, 1303 (Fed. Cir. 2003).

It is also possible that "the specification may reveal a special definition given to a claim term by the patentee that differs from the meaning it would otherwise possess. In such cases, the inventor's lexicography governs." *Phillips*, 415 F.3d at 1316. It bears emphasis that "[e]ven when the specification describes only a single embodiment, the claims of the patent will not be read restrictively unless the patentee has demonstrated a clear intention to limit the claim scope using words or expressions of manifest exclusion or restriction." *Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 906 (Fed. Cir. 2004) (internal quotation marks omitted), *aff'd*, 481 F.3d 1371 (Fed. Cir. 2007).

In addition to the specification, a court "should also consider the patent's prosecution history, if it is in evidence." *Markman*, 52 F.3d at 980. The prosecution history, which is "intrinsic evidence," "consists of the complete record of the proceedings before the PTO [Patent and Trademark Office] and includes the prior art cited during the examination of the patent."

Phillips, 415 F.3d at 1317. "[T]he prosecution history can often inform the meaning of the claim language by demonstrating how the inventor understood the invention and whether the inventor limited the invention in the course of prosecution, making the claim scope narrower than it would otherwise be." *Id.*

A court also may rely on "extrinsic evidence," which "consists of all evidence external to the patent and prosecution history, including expert and inventor testimony, dictionaries, and learned treatises." *Markman*, 52 F.3d at 980. For instance, technical dictionaries can assist the court in determining the meaning of a term to those of skill in the relevant art because such dictionaries "endeavor to collect the accepted meanings of terms used in various fields of science and technology." *Phillips*, 415 F.3d at 1318. In addition, expert testimony can be useful "to ensure that the court's understanding of the technical aspects of the patent is consistent with that of a person of ordinary skill in the art, or to establish that a particular term in the patent or the prior art has a particular meaning in the pertinent field." *Id.* Nonetheless, courts must not lose sight of the fact that "expert reports and testimony [are] generated at the time of and for the purpose of litigation and thus can suffer from bias that is not present in intrinsic evidence." *Id.* Overall, while extrinsic evidence "may be useful" to the court, it is "less reliable" than intrinsic evidence, and its consideration "is unlikely to result in a reliable interpretation of patent claim scope unless considered in the context of the intrinsic evidence." *Id.* at 1318-19.

Finally, "[t]he construction that stays true to the claim language and most naturally aligns with the patent's description of the invention will be, in the end, the correct construction." *Renishaw PLC v. Marposs Societa' per Azioni*, 158 F.3d 1243, 1250 (Fed. Cir. 1998). It follows that "a claim interpretation that would exclude the inventor's device is rarely the correct

interpretation." *Osram GmbH v. Int'l Trade Comm'n*, 505 F.3d 1351, 1358 (Fed. Cir. 2007).

B. Summary Judgment

"The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). The moving party bears the burden of demonstrating the absence of a genuine issue of material fact. *See Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 586 n.10 (1986). An assertion that a fact cannot be – or, alternatively, is – genuinely disputed must be supported either by citing to "particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for the purposes of the motion only), admissions, interrogatory answers, or other materials," or by "showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact." Fed. R. Civ. P. 56(c)(1)(A) & (B). If the moving party has carried its burden, the nonmovant must then "come forward with specific facts showing that there is a ***genuine issue for trial***." *Matsushita*, 475 U.S. at 587 (internal quotation marks omitted). The Court will "draw all reasonable inferences in favor of the nonmoving party, and it may not make credibility determinations or weigh the evidence." *Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 150 (2000).

To defeat a motion for summary judgment, the non-moving party must "do more than simply show that there is some metaphysical doubt as to the material facts." *Matsushita*, 475 U.S. at 586; *see also Podohnik v. U.S. Postal Service*, 409 F.3d 584, 594 (3d Cir. 2005) (stating party opposing summary judgment "must present more than just bare assertions, conclusory

allegations or suspicions to show the existence of a genuine issue") (internal quotation marks omitted). However, the "mere existence of some alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment;" and a factual dispute is genuine only where "the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48 (1986). "If the evidence is merely colorable, or is not significantly probative, summary judgment may be granted." *Id.* at 249-50 (internal citations omitted); *see also Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986) (stating entry of summary judgment is mandated "against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial"). Thus, the "mere existence of a scintilla of evidence" in support of the non-moving party's position is insufficient to defeat a motion for summary judgment; there must be "evidence on which the jury could reasonably find" for the non-moving party. *Anderson*, 477 U.S. at 252.

III. CONSTRUCTION OF DISPUTED TERMS

A. '605 Patent

Both of the disputed terms from the '605 patent appear in claim 1.

1. "a feedback circuit coupled to receive a feedback signal"

a. Power's Construction: "a circuit that responds to the recited feedback signal to provide an output used to regulate the power supply output voltage"[2]

[2]Although initially Power argued that this term did not require construction, at the hearing Power stated that, given the parties' dispute over the meaning of the term, the Court should construe it. (*See* Tr. at 57)

b. Fairchild's Construction: "a circuit that directly or indirectly receives a feedback signal and provides a current, voltage or control signal as an input to another circuit"[3]

c. Court's Construction: "a circuit that receives the recited feedback signal and provides an output used to regulate the power supply output voltage"[4]

The Court's construction is supported by the specification. (*See* '605 patent col.4 ll.50-53; *id.* at col.5 ll.14-18, 34-39; *id.* at Fig. 1, Fig. 3, Fig. 4) Figure 1 of the '605 patent illustrates a feedback circuit which responds to the recited feedback signal to provide an output used to regulate the power supply output voltage. Figure 1 shows the "SAWTOOTH" output of the oscillator, which is an input to the "PWM COMPARATOR" 32, along with the "FEEDBACK" signal from the control pin, which collectively are used to control the on time of the switch. (*See id.* at Fig. 1; *id.* at col.4 ll.50-52) ("PWM Comparator 32 modulates the duty cycle based on the feedback signal coming from the output of the power supply.")

Further, the Court's construction does not improperly narrow the scope of the '605 patent. Fairchild contends that the scope of the disputed claim term should be construed so that the claimed feedback signal is limited to primary-side feedback.[5] (D.I. 439 at 13) However, the claimed circuit is not limited to receiving only primary-side feedback. Claim 1 of the '605 patent is silent as to the circuit from which the recited "feedback signal" originates, demonstrating that

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[3]In its briefing, Fairchild proposed this construction as a compromise to address some of the issues Power raised about Fairchild's initially proposed construction. (*See* D.I. 439 at 10)

[4]At the hearing, Power stated that it was amenable to a construction that used the word "receives" instead of "responds." (*See* Tr. at 59)

[5]Notably, Fairchild never proposed a construction in its briefing or at the argument that explicitly included a primary-side feedback limitation.

any source that provides the recited "feedback signal" falls within the scope of the claim so long as the "feedback circuit [is] coupled to receive a feedback signal representative of an output voltage at an output of a power supply." *See generally Johnson Worldwide Assocs., Inc. v. Zebco Corp.*, 175 F.3d 985, 989 (Fed. Cir. 1999) ("General descriptive terms will ordinarily be given their full meaning; modifiers will not be added to broad terms standing alone."); *see also generally Va. Panel Corp. v. MAC Panel Co.*, 133 F.3d 860, 865-66 (Fed. Cir. 1997) (holding unmodified term "reciprocating" not limited to linear reciprocation); *Bell Commc'ns Research v. Vitalink Commc'ns Corp.*, 55 F.3d 615, 621-22 (Fed. Cir. 1995) (unmodified term "associating" not limited to explicit association). The Federal Circuit has stated that where the phrase "coupled to receive" is not followed by a specified connection, then the phrase means "merely 'capable of receiving' signals" and "the claimed circuit does not require any specific input or connection." *See In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257-58 (Fed. Cir. 2007). Thus, here, the feedback circuit can receive a feedback signal from any source, not just the primary side.

2. **"a control circuit coupled to generate a control signal in response to an output of the comparator and in response to an output of the feedback circuit "**

   a. Power's Construction: "the control circuit is coupled in such a way to both an output of the comparator and an output of the feedback circuit to allow it to respond to each output in generating a control signal, but the control circuit need not necessarily respond to both of these outputs simultaneously, or in the exact same switching cycle"[6]

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[6]Power proposes this construction in its briefing. (*See* D.I. 427 at 12) Although Power initially asserted that this term did not require construction, at the hearing Power stated that it was necessary for the Court to construe this term. (*See* Tr. at 24)

b. Fairchild's Construction: "the control circuit is coupled to both an output of both the comparator and the feedback circuit to allow the control circuit to respond to each output by generating a control signal, where the control circuit may, but need not necessarily, respond to both of these outputs simultaneously or in the exact same switching cycle"

c. Court's Construction: "the control circuit is coupled in such a way to both an output of the comparator and an output of the feedback circuit to allow it to respond to each output in generating a control signal, but the control circuit need not necessarily respond to both of these outputs simultaneously, or in the exact same switching cycle"

The Court's construction is supported by the claim language (*see* '605 patent col.6 ll.19-21) and specification (*see id.* at Fig. 1; *id.* at col.4 ll.20-28). The preferred embodiment of Figure 1 illustrates physical coupling through logic OR gate 85, which allows the control circuit to both "generate a control signal in response to an output of the comparator" and to "generate a control signal . . . in response to an output of the feedback circuit." The physical coupling is conjunctive, which means that both an output of the comparator and an output of the feedback circuit are coupled as inputs into the control circuit. However, only one of the signals coupled to the logic OR gate can cause the control signal to change state in any given switching cycle. (*See id.* at col.4 ll.25-28)

The preferred embodiment disclosed in Figure 1 of the '605 patent does not comport with Fairchild's claim construction. A claim construction that excludes a preferred embodiment is "rarely, if ever, correct." *Vitronics*, 90 F.3d at 1583; *see also Oatey Co. v. IPS Corp.*, 514 F.3d 1271, 1276-77 (Fed. Cir. 2008) ("We normally do not interpret claim terms in a way that excludes embodiments disclosed in the specification."); *see generally MBO Labs., Inc. v. Becton, Dickinson & Co.*, 474 F.3d 1323, 1333 (Fed. Cir. 2007) (rejecting claim construction that would

have excluded embodiments disclosed in patent drawings); *Lava Trading, Inc. v. Sonic Trading Mgmt., LLC*, 445 F.3d 1348, 1353-55 (Fed. Cir. 2006) (same). Accordingly, the Court rejects Fairchild's proposed construction.

B. <u>'876 Patent</u>

The disputed term from the '876 patent appears in claims 1 and 21.

1. "an oscillator for generating a signal having a switching frequency, the oscillator having a control input for varying the switching frequency"

a. <u>Power's Construction</u>: "a device that generates at least one oscillating signal having a switching frequency, where the switching frequency of the generated signal can be varied using a control input of the oscillator, and wherein the control input is not limited to a node or terminal that receives the input in any particular form"

b. <u>Fairchild's Construction</u>: This phrase does not require construction because it has a plain and ordinary meaning. As such, the Court should not construe this phrase. In the alternative, the Court should construe the phrase as: "a device that generates a single oscillating signal having a switching frequency, where the switching frequency of the generated signal can be varied using a control input of the oscillator."

c. <u>Court's Construction</u>: "a device that generates at least one oscillating signal having a switching frequency, where the switching frequency of the generated signal can be varied using a control input of the oscillator, and wherein the control input is not limited to a node or terminal that receives the input in any particular form"

As an initial matter, the Court concludes that it must construe this term because the parties do not agree on its meaning and their dispute appears to be material. *See O2 Micro Int'l Ltd. v. Beyond Innovation Tech. Co., Ltd.*, 521 F.3d 1351, 1361 (Fed. Cir. 2008) (stating sometimes "the 'ordinary' meaning of a term does not resolve the parties' dispute, and claim

construction requires the court to determine what claim scope is appropriate in the context of the patents-in-suit"). Also, in light of the complex technology involved here, claim construction is appropriate to assist the jury in understanding the meaning of the patent claims it will be asked to consider. *See Funai Electric Co., Ltd. v. Daewoo Elecs. Corp.*, 616 F.3d 1357, 1366 (Fed. Cir. 2010) ("The criterion is whether the explanation aids the court and the jury in understanding the term as it is used in the claimed invention."); *Power-One, Inc. v. Artesyn Techs., Inc.*, 599 F.3d 1343, 1348 (Fed. Cir. 2010) ("The terms, as construed by the court, must ensure that the jury fully understands the court's claim construction rulings and what the patentee covered by the claims.") (internal quotation marks omitted); *AFG Indus., Inc. v. Cardinal IG Co.*, 239 F.3d 1239, 1247 (Fed. Cir. 2001) ("It is critical for trial courts to set forth an express construction of the material claim terms in dispute, in part because the claim construction becomes the basis of the jury instructions, should the case go to trial. It is also the necessary foundation of meaningful appellate review.") (internal citation omitted).

The Court's construction is supported by the plain language of the claims (*see* '876 patent col.8 ll.42-56; *id.* at col.9 ll.55 - col.10 ll.22) and the specification (*see id.* at Fig. 1; *id.* at col.5 ll.9-61). The Court concludes that the control input is not limited to a node or terminal that receives the input in any particular form; the plain language of the claims does not require any such limitation. Although the embodiments shown in the '876 patent describe voltage and current signals, the scope of the claims is not limited to these embodiments. *See Phillips*, 415 F.3d at 1323 ("[A]lthough the specification often describes very specific embodiments of the invention, we have repeatedly warned against confining the claims to those embodiments."); *see also Nazomi Commc'ns, Inc. v. Arm Holdings, PLC*, 403 F.3d 1364, 1369 (Fed. Cir. 2005)

(holding claims may embrace "different subject matter than is illustrated in the specific embodiments in the specification"). Additionally, the presence of the "current source" limitation in dependent claims 2 and 22 "gives rise to a presumption that the limitation in question is not present in . . . independent claim[s]" 1 and 21. *Phillips*, 415 F.3d at 1315. "This presumption is especially strong when the limitation in dispute is the only meaningful difference between an independent and dependent claim, and one party is urging that the limitation in the dependent claim should be read into the independent claim." *Retractable Techs., Inc. v. Becton, Dickinson & Co.*, 653 F.3d 1296, 1312 (Fed. Cir. 2011) (internal quotation marks omitted). Fairchild has failed to overcome the presumption that the limitations in dependent claims 2 and 22 are not present in the independent claims 1 and 21.

Moreover, the Court concludes that the oscillator may generate more than one frequency signal. Figure 1 of the '876 patent shows an oscillator having two outputs: (1) the clock signal to counter 140 and (2) the "OSC_OUT" signal. (*See* '876 patent, Fig. 1; *see also id.* at col.4 ll.59-61 (indicating that output of comparator 136 is provided as oscillator output and is also used to drive clock input of counter 140)) Additionally, the Court's construction is supported by the general rule that the use of indefinite article "a" does not limit the element only to "a single" item, absent a clear intent to the contrary. *See Baldwin Graphic Sys., Inc. v. Siebert, Inc.*, 512 F.3d 1338, 1342 (Fed. Cir. 2008) (noting that Federal Circuit "has repeatedly emphasized that an indefinite article a or an in patent parlance carries the meaning of one or more in open-ended claims containing the transitional phrase comprising") (internal quotation marks omitted); *see also id.* ("That a or an can mean one or more is best described as a rule, rather than merely as a presumption or even a convention. The exceptions to this rule are extremely limited: a patentee

must evince a clear intent to limit a or an to one.") (internal quotation marks omitted). Here, the patentee exhibited no such intent. Accordingly, the Court rejects Fairchild's attempt to limit the scope of the claims.

C. '972 Patent

The disputed term from the '972 patent is found in claims 22 and 32.

1. "a controller to generate the switching signal in response to a first feedback signal associated with a voltage control loop and a second feedback signal associated with a current control loop in the primary-side of the transformer"

a. Power's Construction: "a controller to generate the switching signal in response to a first feedback signal associated with a voltage control loop and a second feedback signal, distinct from the first feedback signal, associated with a current control loop, wherein the current control loop is on the primary-side of the transformer"

b. Fairchild's Construction: This phrase does not require construction because it has plain and ordinary meaning. Alternatively, the Court should construe this phrase as: "a controller to generate the switching signal and to control the switching signal in response to a first feedback signal associated with a voltage control loop and a second feedback signal, distinct from the first feedback signal on the primary-side of the transformer, and associated with a current control loop."

c. Court's Construction: "a controller to generate the switching signal in response to a first feedback signal associated with a voltage control loop and a second feedback signal, distinct from the first feedback signal, associated with a current control loop, wherein the current control loop is on the primary-side of the transformer"

The parties largely agree on the construction of this term; their dispute centers on whether the phrase "in the primary-side of the transformer" modifies "voltage control loop."[7] This

[7]The parties agree that the claim requires two distinct control loops and that the current control loop is expressly recited to be on the primary side. (*See* D.I. 437 at 14; Tr. at 86)

dispute appears to be material, and, thus, the Court will construe the term. *See O2 Micro*, 521 F.3d at 1361. The Court's construction, which provides that the voltage control loop does not need to be on the primary-side of the transformer, is supported by the plain language of the claims, the specification, and the Court's prior claim construction ruling. (*See* '972 patent col.15 ll.8-19;,*id.* at col.18 ll.9-15; *see also* D.I. 212 at 18-21, D.I. 337) The claims are silent as to the location of the voltage control loop and there is no indication the patentee intended to limit the claims to encompass only a primary-side voltage control loop.

IV. SUMMARY JUDGMENT MOTIONS

The parties have filed cross-motions seeking summary judgment on the issue of infringement of the '605 patent. (D.I. 448, 452) Fairchild also requests summary judgment on the issue of invalidity of the '605 patent. (D.I. 455) For the reasons discussed below, the Court concludes there are genuine issues of material fact that preclude summary judgment and, accordingly, will deny the motions.

A. Infringement

1. Fairchild's Motion for Summary Judgment of Non-Infringement

Fairchild's Motion for Summary Judgment of Non-Infringement is premised on the Court determining that the limitation contained in Claims 1, 2, and 5 of the '605 patent that a power supply regulator has a "feedback circuit coupled to receive a feedback signal" requires that the "feedback signal" is received from the primary side of the power supply. (*See* Tr. at 65) As

already explained, the Court has rejected Fairchild's construction on this point. Thus, the Court has concluded that the patented invention is not limited to primary-side voltage feedback.[8]

Because Fairchild's Motion for Summary Judgment of Non-Infringement is premised on a primary-side feedback limitation, which the Court has rejected, there remain material disputes of fact as to whether Fairchild's products infringe the '605 patent. Accordingly, the Court will deny Fairchild's Motion for Summary Judgment of Non-Infringement.

2. Power's Motion for Summary Judgment of Infringement by Fairchild

The parties' briefing on this motion presents arguments and evidence that raise genuine issues of material fact as to whether the accused Fairchild products infringe. There is a dispute between the parties as to whether the accused products meet certain claim limitations. Dr. Wei, Fairchild's expert, opines in his rebuttal report that the FSEX1016A and products like it, which are accused of infringement, do not implement the claim limitation of "a comparator having a first input coupled to sense a voltage representative of a current flowing through a switch during an on time of the switch." (*See* D.I. 467, Ex. 2 at ¶¶ 51-53) **REDACTED**

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Accordingly, the Court will deny Power's Motion for Summary Judgment of Infringement.

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[8]This is also the view of the '605 patent inventor. (*See* D.I. 491, Ex. I at 477 ll.25-478 ll.6)

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B. **Invalidity**

Fairchild moves for summary judgment that the '605 patent is invalid because it lacks the written description required by 35 U.S.C. § 112 ¶ 1, which provides:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same . . . .

"[T]he description must clearly allow persons of ordinary skill in the art to recognize that [the inventor] invented what is claimed." *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010) (internal quotation marks omitted). Whether a specification satisfies the written description requirement "is a question of fact which must be answered by clear and convincing evidence if a patent is to be invalidated." *Stored Value Solutions, Inc. v. Card Activation Techs., Inc.*, 796 F. Supp. 2d 520, 527 (D. Del. 2011); *see also Centocor Ortho Biotech, Inc. v. Abbott Labs.*, 636 F.3d 1341, 1347 (Fed. Cir. 2011). However, the issue of compliance with the written description requirement is "amenable to summary judgment in cases where no reasonable fact finder would return a verdict for the non-moving party." *PowerOasis, Inc. v. T-Mobile USA, Inc.*, 522 F.3d 1299, 1307 (Fed. Cir. 2008).

The Court concludes that there is a genuine dispute of material fact regarding whether the specification would allow one skilled in the art to make and use the patented circuitry. Power contends that claim 1 refers to structural coupling – the control circuit is coupled to elements A and B – and not a functional limitation requiring that the output be generated simultaneously based on inputs A and B. (D.I. 468 at 4) On the other hand, Fairchild contends that there is a functional limitation requiring the output to be generated simultaneously in response to two

different inputs. (D.I. 456 at 7) In the preferred embodiment, an OR gate provides coupling of both the output of the comparator and the output of the feedback circuit to the control circuit. (*See* '605 Patent, Fig. 1; *see also* D.I. 469, Ex. B at ¶ 25) Thus, the disclosed embodiment is consistent with Power's interpretation of the claim language as well as the Court's construction of the claim language. Additionally, Power's expert, Dr. Kelley, has opined that a person of ordinary skill in the art would understand that "the structural 'coupling' of the recited elements that is shown in the disclosed embodiment is exactly consistent with the language of the claim." (*See* D.I. 469, Ex. B at ¶ 26) This evidence is sufficient to raise a genuine issue as to the adequacy of the written description. Accordingly, a reasonable juror could deem the written description to be adequate. Therefore, the Court will deny Fairchild's Motion for Summary Judgment of Invalidity.

V. **CONCLUSION**

For the above reasons, the Court will construe the disputed claim terms within the patents-in-suit consistent with this Memorandum Opinion. Additionally, the Court will deny the cross-motions for summary judgment on the issue of infringement and Fairchild's Motion for Summary Judgment of Invalidity. An appropriate Order follows.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC. Plaintiff, v. FAIRCHILD SEMICONDUCTOR INTERNATIONAL, INC., FAIRCHILD SEMICONDUCTOR CORPORATION, and SYSTEM GENERAL CORPORATION, Defendants	: : : : : : : : : : : : :	C.A. No. 08-309-LPS

ORDER

At Wilmington this 13th day of March, 2012, for the reasons set forth in the Memorandum Opinion issued this same date,

IT IS HEREBY ORDERED that:

1. The term "a feedback circuit coupled to receive a feedback signal" in claim 1 of the '605 patent means "a circuit that receives the recited feedback signal and provides an output used to regulate the power supply output voltage."

2. The term "a control circuit coupled to generate a control signal in response to an output of the comparator and in response to an output of the feedback circuit" in claim 1 of the '605 patent means "the control circuit is coupled in such a way to both an output of the comparator and an output of the feedback circuit to allow it to respond to each output in generating a control signal, but the control circuit need not necessarily respond to both of these outputs simultaneously, or in the exact same switching cycle."

3. The term "an oscillator for generating a signal having a switching frequency, the oscillator having a control input for varying the switching frequency" in claims 1 and 21 of the '876 patent means "a device that generates at least one oscillating signal having a switching frequency, where the switching frequency of the generated signal can be varied using a control input of the oscillator, and wherein the control input is not limited to a node or terminal that receives the input in any particular form."

4. The term "a controller to generate the switching signal in response to a first feedback signal associated with a voltage control loop and a second feedback signal associated with a current control loop in the primary-side of the transformer" in claims 22 and 32 of the '972 patent means "a controller to generate the switching signal in response to a first feedback signal associated with a voltage control loop and a second feedback signal, distinct from the first feedback signal, associated with a current control loop, wherein the current control loop is on the primary-side of the transformer."

5. Fairchild's Motion for Summary Judgment of Non-Infringement of the '605 Patent (D.I. 452) is **DENIED**.

6. Power's Motion for Summary Judgment of Infringement of the '605 Patent (D.I. 448) is **DENIED**.

7. Fairchild's Motion for Summary Judgment that the '605 Patent is Invalid (D.I. 455) is **DENIED**.

UNITED STATES DISTRICT JUDGE