United States District Court,
D. Oregon.

SEMITOOL, INC,
Plaintiff.
v.
NOVELLUS SYSTEMS, INC,
Defendant.
And Related Counterclaim,
And Related Counterclaims.

No. CV 01-874-BR

Oct. 23, 2002.

Paul T. Fortino, Chin See Ming, Scott D. Eads, Perkins Coie LLP, Portland, OR, for Plaintiff Semitool, Inc.

Steven T. Lovett, Richard J. Vangelisti, Stoel Rives LLP, Portland, OR, for Defendant Novellus Systems, Inc.

ORDER REGARDING THE COURT'S CONSTRUCTION OF DISPUTED CLAIM TERMS IN SEMITOOL'S U.S. PATENT NO. 6,197,181

ANNA J. BROWN**, District Judge.**

The Court having duly considered the memoranda submitted by the parties, the arguments presented by counsel at the *Markman* hearing held on September 9-13, 2002, and the evidence of record regarding the construction of the disputed claim terms of U.S. Patent No. 6,197,181 ("the '181 patent");

NOW, THEREFORE, THE COURT ORDERS AS FOLLOWS:

1. The term "an additional metal" shall be construed to mean "an additional quantity of metal."

2. The term "an additional metal ... the additional metal being formed from a metal comprising the same metal used to form the ultra-thin seed layer" shall be construed to mean "an additional quantity of metal formed from a metal that includes but is not limited to the same type of metal used in the seed layer" in claim 64 of the '181 patent.

3. The term "barrier layer" shall be construed to mean "a layer of material that prevents to a high degree diffusion of metal atoms or ions into the material under the barrier layer."

4. The term "electrochemical deposition/electrochemically depositing" shall be construed to mean "a deposition of metal/depositing metal on a substrate by reducing metal ions from an electrolyte solution,

wherein the electrons are provided by either (a) an external power supply ('electrolytic deposition,' 'electrodeposition' or 'electroplating') or (b) a chemical reducing agent in the solution ('electroless deposition')." This ruling is without prejudice to Novellus having leave to ask the Court to construe the patent further with respect to this term to determine whether in any particular claim the term "electochemical" is limited to electrolytic deposition.

5. The terms "electrolytic solution" and "electrolytic bath" shall be construed to mean "a solution or bath containing an electrolyte" respectively.

6. The terms "repair," "repaired," and "repairing" shall be construed to mean "deposit/(ed)/(ing) additional metal to fix deficiencies in the seed layer and thereby allow the initiation of a subsequent deposition of a metal layer on the repaired or enhanced seed layer."

7. The term "seed layer" shall be construed to mean "an initial layer of conductive material that is deposited on a barrier layer and that is then repaired or enhanced, thereby allowing the initiation of a subsequent deposition of a metal layer on the repaired or enhanced seed layer."

8. By signing below, counsel for the parties shall not be deemed to have waived any objections, for the purposes of appeal or otherwise, to the Court's claim construction rulings.

IT IS SO ORDERED.

D.Or.,2002.
Semitool, Inc. v. Novellus Systems, Inc.

Produced by Sans Paper, LLC.