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, Jerry A. Riedinger, Michael D. Broaddus, Susan D. Fahringer, Kenneth J. Dyer, Perkins Coie LLP, Seattle, WA, Attorneys for Plaintiff Semitool, Inc.

Steven T. Lovett, Richard J. Vangelisti, Morgan Chu, Jonathon H. Steinberg, Samuel K. Lu, Roman Melnik, Irell & Manella LLP, Los Angeles, CA, Attorneys for Defendant Novellus Systems, Inc.

ORDER REGARDING THE COURT'S CONSTRUCTION OF DISPUTED CLAIM TERMS IN NOVELLUS' U.S. PATENT NOS. 6,110,346 **AND** 6,162,344

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;

NOW, THEREFORE, THE COURT ORDERS AS FOLLOWS:

1. The term "forming a second plated sublayer over the first plated sublayer" shall be construed to mean "forming a second plated sublayer over a first plated sublayer." This plating step need not produce discrete first and second sublayers (*i.e.,* distinguishable from each other by optical, chemical, or metallurgical means after the electroplating process is complete). This term is present in all claims of U.S. Patent No. 6,162,344 ("the '344 patent").

2. The term "electroplating a second sublayer on said first sublayer" shall be construed to mean "electroplating a second sublayer on a first sublayer." This plating step need not produce discrete first and second sublayers (*i.e.,* distinguishable from each other by optical, chemical, or metallurgical means after the electroplating process is complete). This term is present in all claims of U.S. Patent No. 6,110,346 ("the '346 patent").

3. The term "mass transfer limited" shall be construed to refer to "that part of the electroplating process when the mass transfer rate is low, the current is high, and the mass transfer of the metal ions to the wafer surface determines the rate at which the metal is deposited." This term is present in every claim of the '344 patent.

4. The term "a stagnant zone near the edge of the wafer" shall be construed to mean "an area at or near the edge of the wafer where the flow of the plating solution is slowed or stopped sufficient to result in a deposition of metal ions that is mass transfer limited in that area." This term is present in claim 7 of the '344 patent.

5. The term "the composite of the first and second sublayers is substantially flat" shall be construed to mean "the composite of the first and second sublayers is flat to a large degree." This term is present in claim 4 of the ' 346 patent.

6. The term "a first mass transfer rate" shall be construed to mean "a first mass transfer rate that is different from a second mass transfer rate." This term is present in claim 5 of the '346 patent.

7. 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.
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