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

Dec. 30, 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 TERM IN NOVELLUS' U.S. PATENT NO. 6,074,544

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

The Court held a *Markman* hearing in this case on September 9-13, 2002, during which it heard argument on disputed claim terms present in the three U.S. patents that are the subject of Novellus' counterclaims. On October 23, 2002, the Court entered an Order construing the disputed claim terms from two of those Novellus patents. However, as described in the "Record of Markman Hearing" jointly submitted by the parties on October 15, 2002, the Court deferred entering an Order on the disputed claim term from the third patent, U.S. Patent No. 6,074,544 ("the '544 patent"), pending the Court's ruling on Semitool's motion to stay this case as to that patent. Based on the Court's December 9, 2002 order denying Semitool's motion to stay, the deferred construction of the disputed claim term from the '544 patent is now ripe to be entered as a claim construction order.

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 "after a combined thickness of the seed and plated layers has reached a predetermined value, increasing the current flow," which is present in all claims of the '544 patent, shall be construed to mean that "thickness is monitored in some manner so that the current flow is increased only after the combined

thickness of the seed and plated layers has reached a predetermined value. A 'value' is a quantitative measurement."

2. 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 ruling.

IT IS SO ORDERED.

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