United States District Court,
E.D. Texas, Lufkin Division.

BRIDGELUX, INC,
Plaintiff.
v.
CREE, INC,
Defendant.

Civil Action No. 9:06-CV-240

June 3, 2008.

Henry Charles Bunsow, Constance F. Ramos, Howrey, Simon, Arnold & White, Jayne Laiprasert, Korula T. Cherian, Leigh A. Kirmsse, Robert F. Kramer, Howrey LLP., San Francisco, CA, Aaron Myers, Katharine Lyn Altemus, Howrey LLP., East Palo Alto, CA, Charles Ainsworth, Robert Christopher Bunt, Robert M. Parker, Parker Bunt & Ainsworth, Tyler, TX, Elizabeth L. Derieux, Sidney Calvin Capshaw, III, Capshaw Derieux, LLP, Longview, TX, Ruhi Kumar, Howrey LLP, Irvine, CA, for Plaintiff.

David J. Healey, Benjamin Charles Elacqua, Weil Gotshal & Manges, Houston, TX, Clayton Edward Dark, Jr., Attorney at Law, Lufkin, TX, David Randal Ayers, Lynne A. Borchers, Myers, Bigel, Sibley & Sajovec, P.A, Raleigh, NC, David C. Radulescu, Michael B. Eisenberg, Ryan R. Owens, Weil Gotshal & Manges, New York, NY, Jared B. Bobrow, Weil, Gotshal & Manges, Redwood Shores, CA, for Defendant.

ORDER ON AGREED CLAIM TERMS

KEITH F. GIBLIN**, United States Magistrate Judge.**

Plaintiff BridgeLux, Inc. filed suit against Defendant Cree, Inc. claiming infringement of United States Patent Nos. 6,869,812 ("the '812 patent"). Cree filed counterclaims alleging infringement of United States Patent Nos. 6,614,056 ("the '056 patent") and 6,885,036 ("the '036 patent"). All three patents relate to light emitting diodes (LED).

The court conducted a *Markman* hearing on September 26, 2007 to assist the court in interpreting the meaning of the claim terms in dispute. The definitions agreed upon comport with the meaning of the terms as they are used in the claims, the specification, the prosecution history, and any applicable extrinsic evidence. Therefore, these terms will be defined as follows:

I. Claim Terms of the '812 Patent

1. "Active area"

means: "the two-dimensional area of the top or bottom surface of the active region."
2. "Aspect ratio"

means: "the ratio of the active area's longer dimension to its shorter dimension."

3. "Comprising (comprises)"

means: "terms of art used in claim language that mean that the recited limitations are essential but that other limitations may be added and still form a device within the scope of the claim."

4. "Disposed intermediate the active region and the lower contact finger"

means: "between the active region and the lower contact finger."

5. "Plurality"

means: "two or more."

6. "Recess"

means: "a concavity or indentation."

7. "Recessed package"

means: "an LED package shaped so as to have a concavity or indentation."

II. Claim Terms of the '056 and '036 Patents

1. "Comprising (comprises)"

means: "terms of art used in claim language that mean the recited limitations are essential but that other limitations may be added and still form a device within the scope of the claim."

2. "Conductive path."

means: "a route of conduction formed by the combination of the contact(s), branch(es), and/or conductive finger(s) of the LED."

3. "Contact."

means: "a portion of an LED (1) where current is applied from an external source, and (2) for distributing current from the external source to the layers of the LED."

4. "Disposed on"

means: "placed above and supported by, but not necessarily in contact with."

5. "Doped with impurities"

means: "intentionally introducing impurities that alter the electrical properties of a material."

6. "Epitaxial layer"

means: "an epitaxially grown layer."

7. "Epitaxially grown n-type layer"

means: "an epitaxial layer in which the majority carriers are electrons."

8. "Epitaxially grown p-type layer"

means: "an epitaxial layer in which the majority carriers are holes."

9. "Epitaxially grown"

means: "growth of one crystal on the surface of another crystal in which the growth of the deposited crystal is oriented by the lattice structure of a substrate."

10. "Etched"

means: "created using a process for removing materials from layers, e.g., chemical or ion mill etching."

11. "Groove"

means: "an elongated cut, trench, or channel in a surface."

12. "Plurality"

means: "two or more."

13. "Plurality of first and second conductive fingers, respectively"

means: "two or more first conductive fingers, and two or more second conductive fingers."

III. Conclusion

The jury shall be instructed in accordance with the agreed claim terms in the '812, 036 and '056 patents.

E.D.Tex.,2008.
BridgeLux, Inc. v. Cree, Inc.

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