

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

INNOVATIVE FOUNDRY
TECHNOLOGIES LLC,
Plaintiff

W-19-CV-00719-ADA

-v-


SEMICONDUCTOR
MANUFACTURING
INTERNATIONAL CORPORATION,
BROADCOM INCORPORATED,
BROADCOM CORPORATION,
CYPRESS SEMICONDUCTOR
CORPORATION, DISH NETWORK
CORPORATION, SEMICONDUCTOR
MANUFACTURING
INTERNATIONAL (SHANGHAI)
CORPORATION, SEMICONDUCTOR
MANUFACTURING
INTERNATIONAL (BEIJING)
CORPORATION, SEMICONDUCTOR
MANUFACTURING
INTERNATIONAL (TIANJIN)
CORPORATION (SMIC TIANJIN),
SEMICONDUCTOR
MANUFACTURING
INTERNATIONAL (BVI)
CORPORATION, SEMICONDUCTOR
MANUFACTURING NORTH CHINA
(BEIJING) CORPORATION,
SEMICONDUCTOR
MANUFACTURING SOUTH CHINA
CORPORATION,
Defendants

CLAIM CONSTRUCTION ORDER

The Court held a *Markman* hearing on September 18, 2020. During that hearing, the Court provided its final constructions. The Court now enters those claim constructions.

Term	Final Claim Construction
<u>'122 Patent</u> “recessed isolation structure”	“An isolation structure that is recessed, <i>i.e.</i> , whose uppermost surface must be positioned entirely or partially below the substrate’s uppermost surface.”
<u>'122 and '620 Patents:</u> “adjacent”	Plain and ordinary meaning wherein the plain and ordinary meaning is “immediately next to and/or near”
<u>'126 Patent:</u> The steps of the claims 1 and 12 must be performed in the order written	Steps 1-5 must be performed in that order. Step 5 does not need to precede Step 6 (could be 5-6 or 6-5). Step 6 does not need to precede Step 7 (could be 6-7 or 7-6). Step 5 must precede Step 7.
<u>'126 Patent:</u> “the portions of the semiconductor material adjacent the gate structure”	Not indefinite. Plain and ordinary meaning.
<u>'126 Patent:</u> “the first and second sidewalls”	Not indefinite. Plain and ordinary meaning.
<u>'226 Patent:</u> “conformal”	<p>“having a uniform¹ thickness and following the contours of the structure below”</p> <p>¹ – A person of ordinary skill in the art would understand that “uniform” does not mean “perfectly uniform” but rather there is tolerance for small variations in the thickness.</p>

SIGNED this 5th day of October, 2020.


 ALAN D ALBRIGHT
 UNITED STATES DISTRICT JUDGE