

1 HAROLD J. MCELHINNY (CA SBN 66781)  
hmcclhinny@mofo.com  
2 MICHAEL A. JACOBS (CA SBN 111664)  
mjacobs@mofo.com  
3 RICHARD S.J. HUNG (CA SBN 197425)  
rhung@mofo.com  
4 MORRISON & FOERSTER LLP  
425 Market Street  
5 San Francisco, California 94105-2482  
Telephone: (415) 268-7000  
6 Facsimile: (415) 268-7522

WILLIAM F. LEE (*pro hac vice*)  
william.lee@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, Massachusetts 02109  
Telephone: (617) 526-6000  
Facsimile: (617) 526-5000

MARK D. SELWYN (SBN 244180)  
mark.selwyn@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
950 Page Mill Road  
Palo Alto, California 94304  
Telephone: (650) 858-6000  
Facsimile: (650) 858-6100

Attorneys for Plaintiff and  
Counterclaim-Defendant Apple Inc.

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN JOSE DIVISION**

14 APPLE INC., a California corporation,

15 Plaintiff,

15 vs.

16 SAMSUNG ELECTRONICS CO., LTD., a  
17 Korean business entity, SAMSUNG  
ELECTRONICS AMERICA, INC., a New  
18 York corporation, and SAMSUNG  
TELECOMMUNICATIONS AMERICA,  
19 LLC, a Delaware limited liability company,

20 Defendants.

21 SAMSUNG ELECTRONICS CO., LTD., a  
22 Korean business entity, SAMSUNG  
ELECTRONICS AMERICA, INC., a New  
23 York corporation, and SAMSUNG  
TELECOMMUNICATIONS AMERICA,  
24 LLC, a Delaware limited liability company,

25 Counterclaim-Plaintiffs,

26 vs.

27 APPLE INC., a California corporation,

28 Counterclaim-Defendant.

Civil Action No. 11-CV-01846-LHK

**DECLARATION OF MARK D. SELWYN  
IN SUPPORT OF APPLE INC.'S  
RESPONSIVE CLAIM CONSTRUCTION  
BRIEF**

Hearing: January 20, 2012  
Time: 10:00 a.m.  
Place: Courtroom 8, 4<sup>th</sup> Floor  
Judge: Hon. Lucy H. Koh

1 I, Mark D. Selwyn, declare as follows:

2 1. I am a partner with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP  
3 and counsel for plaintiff and counterclaim-defendant Apple Inc. I submit this declaration in  
4 support of Apple Inc.'s Responsive Claim Construction Brief. I am familiar with and  
5 knowledgeable about the facts stated in this declaration and if called upon could and would  
6 testify competently as to the statements made herein.

7  
8 2. Attached hereto as **Exhibit A** is a true and correct copy of the Nokia 3300  
9 "Extended User's Guide," Nokia Corporation (2003), produced by Apple in this litigation  
10 (APLNDC-WH-A 0000006990-7140).

11  
12 3. Attached hereto as **Exhibit B** is a true and correct copy of the Sony Ericsson  
13 W800i User Guide (1<sup>st</sup> ed.), Sony Ericsson Mobile Comm. AB (May 2005), produced by Apple  
14 in this litigation (APLNDC-WH-A 0000006685-6727).

15  
16 4. Attached hereto as **Exhibit C** is a true and correct copy of the Sony Ericsson  
17 K700i User Guide (1<sup>st</sup> ed.), Sony Ericsson Mobile Comm. AB (March 2004), produced by Apple  
18 in this litigation (APLNDC-WH-A 0000008725-8828).

19  
20 5. Attached hereto as **Exhibit D** is a true and correct copy of J. Hoskins and R.  
21 Bluethman, *Exploring IBM e-server pSeries* (12<sup>th</sup> ed., 2004), produced by Apple in this litigation  
(APLNDC-WH-A 0000019700-729).

22  
23 6. Attached hereto as **Exhibit E** is a true and correct copy of the Declaration of  
24 Tony Givargis, Ph.D. in Support of Apple's Proposed Claim Construction for U.S. Patent No.  
25 7,698,711.

26  
27 7. Attached hereto as **Exhibit F** is a true and correct copy of excerpts from the  
28 deposition of Joe Tipton Cole, dated December 16, 2011.

1           8.       Attached hereto as **Exhibit G** is a true and correct copy of U.S. Patent No.  
2 7,698,711.

3           9.       Attached hereto as **Exhibit H** is a true and correct copy of U.S. Patent No.  
4 7,123,945.

5           10.       Attached hereto as **Exhibit I** is a true and correct copy of the 12/12/07 Office  
6 Action for United States Patent Application No. 11/778,466, which issued as the '711 patent.

7           11.       Attached hereto as **Exhibit J** is a true and correct copy of the 2/28/08 Office  
8 Action for United States Patent Application No. 11/778,466, which issued as the '711 patent.

9           12.       Attached hereto as **Exhibit K** is a true and correct copy of the 8/1/08 Office  
10 Action for United States Patent Application No. 11/778,466, which issued as the '711 patent.

11           13.       Attached hereto as **Exhibit L** is a true and correct copy of the 1/26/09 Office  
12 Action for United States Patent Application No. 11/778,466, which issued as the '711 patent.

13           14.       Attached hereto as **Exhibit M** is a true and correct copy of the 5/27/09 Office  
14 Action for United States Patent Application No. 11/778,466, which issued as the '711 patent.

15           15.       Attached hereto as **Exhibit N** is a true and correct copy of the 11/9/09 Office  
16 Action for United States Patent Application No. 11/778,466, which issued as the '711 patent.

17           16.       Attached hereto as **Exhibit O** is a true and correct copy of the 12/8/09  
18 Amendment for United States Patent Application No. 11/778,466, which issued as the '711  
19 patent.

20           17.       Attached hereto as **Exhibit P** is a true and correct copy of the 1/13/10 Notice of  
21 Allowance for United States Patent Application No. 11/778,466, which issued as the '711 patent.  
22  
23  
24  
25  
26  
27  
28

1           18. Attached hereto as **Exhibit Q** is a true and correct copy of the 12/16/09  
2 Examiner's Interview Summary for United States Patent Application No. 11/778,466, which  
3 issued as the '711 patent.

4           19. Attached hereto as **Exhibit R** is a true and correct copy of excerpts from the  
5 deposition of Moon-Sang Jeong, dated November 17, 2011.  
6

7           20. Attached hereto as **Exhibit S** is a true and correct copy of excerpts from the  
8 deposition of Tony Givargis, Ph.D., dated December 6, 2011.  
9

10           I hereby declare under penalty of perjury under the laws of the United States that the  
11 foregoing is true and correct to the best of my knowledge and belief.  
12

13 Dated: December 22, 2011

/s/ Mark D. Selwyn  
Mark D. Selwyn

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served on December 22, 2011 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

/s/ Mark. D Selwyn  
Mark D. Selwyn

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28