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15 Attorneys for Defendant and Counterclaim-Plaintiff
 16 Apple Inc.

17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19 **OAKLAND DIVISION**

19 AFFINITY LABS OF TEXAS, LLC, a
 20 Texas Limited Liability Company,
 21 Plaintiff and
 Counterclaim-Defendant,
 22 v.
 23 APPLE INC., a California Corporation,
 24 Defendant and
 25 Counterclaim-Plaintiff.

CASE NO. CV 09-4436-CW

**STIPULATION REGARDING CERTAIN
 DOCUMENTS OBTAINABLE FROM
 THIRD-PARTY ORGANIZATIONS;
 [PROPOSED] ORDER**

Judge: Hon. Claudia Wilken

1 IT IS HEREBY STIPULATED by and between Plaintiff and Counterclaim-Defendant
2 Affinity Labs of Texas, LLC (“Affinity”) and Defendant and Counterclaim-Plaintiff Apple Inc.
3 (“Apple”) as follows:

4 WHEREAS, the European Telecommunications Standards Institute makes certain
5 documents available that Apple obtained and produced in this litigation with bates numbers
6 179Apple-CA0010230 - 0010285, 179Apple-CA0010311 - 0010352, 179Apple-CA0010360 -
7 0010401, 179Apple-CA0010424 - 0010465, and 179Apple-CA0010466 - 0010507 (collectively,
8 the “GSM Technical Documents”);

9 WHEREAS, Bluetooth SIG, Inc. makes certain documents available that Apple obtained
10 and produced in this litigation with bates numbers 179Apple-CA0008666 - 0009747 and
11 179Apple-CA0009763 – 0010202 (collectively, the “Bluetooth Technical Documents”);

12 WHEREAS, Apple’s Patent L.R. 3-3 Invalidity Contentions identify the GSM and
13 Bluetooth Technical Documentation as prior art to the asserted patents;

14 NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE
15 PARTIES HERETO, THROUGH THEIR RESPECTIVE COUNSEL AND SUBJECT TO THE
16 APPROVAL OF THE COURT, AS FOLLOWS:

- 17 1. The GSM and Bluetooth Technical Documents are authentic under Federal Rule of
18 Evidence 901;
- 19 2. The GSM and Bluetooth Technical Documents are records of regularly conducted
20 activity under Federal Rule of Evidence 803(6);
- 21 3. The GSM Technical Document titled “Digital cellular telecommunications system
22 (Phase 2+); General Packet Radio Service (GPRS); Overall description of the
23 GPRS radio interface; Stage 2 (GSM 03.64 version 6.0.1 Release 1997)” and bates
24 numbered 179Apple-CA0010230 - 0010285 constitutes a “printed publication” as
25 the term is used in 35 U.S.C. § 102 and was a printed publication as of August
26 1998;
- 27 4. The GSM Technical Document titled “Digital cellular telecommunications system
28 (Phase 2+); General Packet Radio Service (GPRS); Overall description of the

1 GPRS radio interface; Stage 2 (GSM 03.64 version 6.1.0 Release 1997)” and bates
2 numbered 179Apple-CA0010311 - 0010352 constitutes a “printed publication” as
3 the term is used in 35 U.S.C. § 102 and was a printed publication as of October
4 1998;

5 5. The GSM Technical Document titled “Digital cellular telecommunications system
6 (Phase 2+); General Packet Radio Service (GPRS); Overall description of the
7 GPRS radio interface; Stage 2 (GSM 03.64 version 6.2.0 Release 1997)” and bates
8 numbered 179Apple-CA0010360 - 0010401 constitutes a “printed publication” as
9 the term is used in 35 U.S.C. § 102 and was a printed publication as of May 1999;

10 6. The GSM Technical Document titled “Digital cellular telecommunications system
11 (Phase 2+); General Packet Radio Service (GPRS); Overall description of the
12 GPRS radio interface; Stage 2 (GSM 03.64 version 6.3.0 Release 1997)” and bates
13 numbered 179Apple-CA0010424 - 0010465 constitutes a “printed publication” as
14 the term is used in 35 U.S.C. § 102 and was a printed publication as of July 1999;

15 7. The GSM Technical Document titled “Digital cellular telecommunications system
16 (Phase 2+); General Packet Radio Service (GPRS); Overall description of the
17 GPRS radio interface; Stage 2 (GSM 03.64 version 7.0.0 Release 1997)” and bates
18 numbered 179Apple-CA0010466 - 0010507 constitutes a “printed publication” as
19 the term is used in 35 U.S.C. § 102 and was a printed publication as of July 1999;
20 and

21 8. The Bluetooth Technical Documents titled “Specification of the Bluetooth
22 System,” Version 1.0B, Volumes 1 and 2, and bates numbered 179Apple-
23 CA0008666 - 0009747 and 179Apple-CA0009763 - 0010202 constitute a “printed
24 publication” as the term is used in 35 U.S.C. § 102 and was a printed publication as
25 of December 1, 1999.

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Dated: January 11, 2011

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Pursuant to General Order No. 45 X(B), I hereby attest that concurrence in the filing of this document has been obtained from Brian McQuillen.

Dated: January 11, 2011

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Nicholas J. Whilt

Attorneys for Defendant and Counterclaim-
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PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: 1/14/2011



Honorable Claudia Wilken
United States District Judge