

# EXHIBIT O

1 MATTHEW D. POWERS (Bar No. 104795)  
[matthew.powers@weil.com](mailto:matthew.powers@weil.com)  
2 EDWARD R. REINES (Bar No. 135960)  
[edward.reines@weil.com](mailto:edward.reines@weil.com)  
3 SONAL N. MEHTA (Bar No. 222086)  
[sonal.mehta@weil.com](mailto:sonal.mehta@weil.com)  
4 WEIL, GOTSHAL & MANGES LLP  
Silicon Valley Office  
5 201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
6 Telephone: (650) 802-3000  
Facsimile: (650) 802-3100  
7

8 Attorneys for Defendant and  
Counterclaim Plaintiff Apple Inc.

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12 ELAN MICROELECTRONICS  
CORPORATION,  
13  
14 Plaintiff and Counterclaim  
Defendant,  
15 v.  
16 APPLE INC.,  
17 Defendant and Counterclaim  
Plaintiff.  
18

Case No. C-09-01531 RS

APPLE INC.'S DISCLOSURE OF  
PRELIMINARY CLAIM  
CONSTRUCTIONS AND EXTRINSIC  
EVIDENCE

JURY TRIAL DEMANDED

Hon. Richard Seeborg

1 Pursuant to the Court’s October 1, 2009 Case Management Scheduling Order and  
2 Patent Local Rule 4-2, Defendant and Counterclaim Plaintiff Apple Inc. (“Apple”) proposes  
3 preliminary claim constructions, identifies references from the specifications and file histories  
4 that support its preliminary constructions, and makes a preliminary identification of supporting  
5 extrinsic evidence. These proposed constructions and evidentiary citations are attached hereto in  
6 Exhibit A.

7 As to Apple’s identification of intrinsic evidence, where Apple cites to a particular  
8 figure in a reference, the citation should be understood to encompass the caption and description  
9 of the figure and the text relating to and/or describing the figure. Where Apple cites to particular  
10 text referring to a figure, the citation should be understood to include the figure and related  
11 figures as well. Finally, where Apple cites to text of a file history of a patent-in-suit that  
12 discusses a prior art reference, the citation should be understood to include the relevant portions  
13 of the prior art reference.

14 As to Apple’s preliminary identification of supporting extrinsic evidence, at this  
15 stage, the extrinsic evidence that Apple has identified may be found in the following production  
16 range: APEL0018461-APEL0018504. By including these reference in its 4-2 statement, Apple is  
17 not admitting or representing that materials are, as a matter of claim construction jurisprudence,  
18 “extrinsic evidence.”

19 As to expert testimony, Apple may rely on expert testimony about the technology  
20 that underlies the patents-in-suit. In addition, Apple may rely on expert testimony about the  
21 meanings of the disputed terms to those skilled in the art. Finally, Apple reserves the right to  
22 offer expert testimony and other extrinsic evidence to rebut expert testimony or other extrinsic  
23 evidence, if any, offered by Elan Microelectronics Corporation (“Elan”) in support of its claim  
24 construction positions. Apple will discuss the role of expert testimony in these claim construction  
25 proceedings with Elan when the parties meet and confer.

26 Apple makes this disclosure based on its current information and understanding of  
27 the issues in this case. Apple expressly reserves the right to modify this disclosure in view of the  
28 Patent Local Rule 4-2 disclosures of Elan and the parties’ meet and confer. While Apple had

1 made a good faith effort to identify intrinsic and extrinsic evidence supporting its proposed claim  
2 constructions, it does not know what terms will ultimately be in dispute or what the disputed  
3 claim constructions will be following the parties' meet and confer. Insofar as Apple's  
4 identification of intrinsic and extrinsic evidence evolves as the parties meet and confer on  
5 proposed claim constructions, Apple will timely update its disclosures.

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

Dated: January 11, 2010

WEIL, GOTSHAL & MANGES LLP

By: /s/ Sonal N. Mehta  
Sonal N. Mehta  
Attorneys for Defendant and  
Counterclaim Plaintiff Apple Inc.

## EXHIBIT A

### '352 Patent

#### Agreed Terms from *Synaptics* Litigation

	<b>Claim Term, Phrase, or Clause</b>	<b>Agreed Construction</b>
1	“identify a first maxima in a signal corresponding to a first finger” (claims 1, 18)	“identify a first peak value in a finger profile obtained from scanning the touch sensor”
2	“identify a minima following the first maxima” (claims 1, 18)	“identify the lowest value in the finger profile that occurs after the first peak value”
3	“identify a second maxima in a signal corresponding to a second finger following said minima” (claims 1, 18)	“after identifying the lowest value in the finger profile, identify a second peak value in the finger profile”

#### Terms for Construction

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple’s Proposed Construction</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
1	“scanning the touch sensor” (claims 1, 18)	Apple	“measuring in a line the values generated by a touch sensor to detect operative coupling and determining the corresponding positions at which measurements are made”	Claim 1; Claim 18; Fig. 3; Fig. 4; Fig. 7B; Fig. 7C; 4:56-57; 4:58-59; 5:23-35; 5:44-55; 5:60-65; 6:14-26; 6:26-35; 8:55-56;	

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple’s Proposed Construction</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
				11:11-15; 11:49-55; 14:3-7; 14:39-41; 16:36-39; 352 FH 0083-84, 89 <sup>1</sup>	
2	“identify” (claims 1, 18)	Apple	“recognize a value to be”	Claim 1; Claim 18; Fig. 6-1; Fig. 6-2; Fig. 9-1; Fig. 9-2; 1:37-40; 7:3-6; 8:46-50; 8:52-9:15; 9:12-14; 9:18-11:15; 12:12-14; 13:64-65; 15:64-16:5	APEL0018461-63; APEL0018471-73; APEL0018474-76
3	“in response to” (claims 1, 18)	Apple	“after and in direct reaction to”	Claim 1; Claim 18; Fig. 9-1; Fig. 9-2; 6:26-47; 7:54-56; 8:52-9:15; 14:3-27; 15:26-31; 16:24-26; 16:27-29; 16:30-32; 16:33-35; 16:44-56; 16:60-63; 16:64-67; 17:1-9;	APEL0018461-62, 64

<sup>1</sup> Citations in this format are citations to the production numbers stamped on Apple’s produced versions of the certified file histories of the patents-in-suit.

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple's Proposed Construction</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
				17:27-37; 18:1-13; 18:17-20; 18:21-25; 18:25-33; 352 FH 0103-04; ELN001993-97	
4	“pointing device click function” (claim 2)	Apple	“function that would normally result from a mouse button click”	Claim 2; 1:41-47; 1:60-2:14; 2:56-3:15; 4:6-11; 4:30-39; 5:9-19; 6:50-58; 7:8-25; 7:43-48; 7:51-8:21; 11:16-23; 11:24-35; 11:56-12:4; 12:58-67; 13:8-12; 13:23-31; 13:32-36; 15:55-59; Patent Title	
5	“a ‘select’ function” (claim 4)	Apple	“a selection of an item”	Claim 4; Figs. 7B-7E; 11:16-23; 11:56-12:4; 13:8-12; 13:12-22	
6	“control function” (claims 14, 19)	Apple	“function that would normally be provided by the actuation of the buttons or switches on a mouse”	Claim 14; Claim 19; 1:41-2:6; 2:56-3:15; 4:30-39; 6:50-53; 8:46-50; 12:14-20	

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple’s Proposed Construction</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
7	“means for scanning” (claim 18)	Apple	This limitation is governed by 35 U.S.C. § 112(6).  The recited <u>function</u> is scanning.  The <u>corresponding structure</u> is an analog multiplexer, a circuit to measure changes in capacitance of sensor conductors, an analog to digital converter, a microcontroller, and equivalents thereof.	Claim 18; Fig. 2; 5:28-55; 5:34-40; 5:60-65; 6:14-26; 7:1-6; 14:3-6	
8	“means for scanning the touch sensor” (claim 18)	Elan	See function and structure for “means for scanning.”		
9	“means for providing an indication” (claim 18)	Both	This limitation is governed by 35 U.S.C. § 112(6).  The recited <u>function</u> is providing an indication of the simultaneous presence of two fingers in response to identification of said first and second maxima.  The <u>corresponding structure</u> is the algorithm found in Fig. 8-1, which sets a Finger value equal to two after determining if a scan in either the X direction or the Y direction has detected two fingers.	Claim 18; 7:26-33; 14:13-17; 9:18-11:23	



	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple’s Proposed Construction</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
10	“means for selecting an appropriate control function” (claim 19)	Both	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is selecting an appropriate control function based on a combination of a number of fingers detected, an amount of time said fingers are detected, and any movement of said fingers.</p> <p>Because the specification does not disclose a corresponding structure, this limitation is indefinite.</p>		
11	“means for detecting a distance between said first and second maxima” (claim 24)	Apple	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is detecting a distance between said first and second maxima.</p> <p>Because the specification does not disclose a corresponding structure, this limitation is indefinite.</p>		
12	“means for detecting a distance” (claim 24)	Elan	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is detecting a distance between said first and second maxima.</p>		

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple’s Proposed Construction</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
			Because the specification does not disclose a corresponding structure, this limitation is indefinite.		
13	“means for providing a click function in response to the removal and reappearance of said second maxima within a predetermined period of time” (claim 26)	Apple	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is providing a click function in response to the removal and reappearance of said second maxima within a predetermined period of time.</p> <p>Because the specification does not disclose a corresponding structure, this limitation is indefinite.</p>		
14	“means for providing a click function” (claim 26)	Elan	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is providing a click function in response to the removal and reappearance of said second maxima within a predetermined period of time.</p> <p>Because the specification does not disclose a corresponding structure, this limitation is indefinite.</p>		
15	“means for calculating first and	Apple	This limitation is governed by 35		

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple's Proposed Construction</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
	second centroids corresponding to said first and second fingers” (claim 30) (Section 112(6))		U.S.C. § 112(6).  The recited <u>function</u> is calculating first and second centroids corresponding to said first and second fingers.  Because the specification does not disclose a corresponding structure, this limitation is indefinite.		
16	“means for calculating first and second centroids” (claim 30)	Elan	This limitation is governed by 35 U.S.C. § 112(6).  The recited <u>function</u> is calculating first and second centroids corresponding to said first and second fingers.  Because the specification does not disclose a corresponding structure, this limitation is indefinite.		

**'353 Patent**

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple's Proposed Construction</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
1	“panel for touch inputting” (claims 1, 4, 7, 10)	Apple	“an area of the touchpad for fingers or conductors to touch thereto for input to affect a separate display”	Claim 1; Claim 4; Claim 7; Claim 10; Fig. 5; 1:13-30; 2:9-12; 2:41-46; 2:48-52; 2:60-3:16; 3:39-43; 353 FH 0100-01	APEL0018468-70; APEL0018501; APEL0018480-92; APEL0018493-98
2	“a first pattern on said panel for representing a mode switch to switch said touchpad between a key mode and a handwriting mode” (claims 1, 4)	Apple	“a static graphical representation that toggles between key and handwriting modes”	Claim 1; Claim 4; Fig. 1; 2:41-46; 353 FH 0100; 353 FH 0160-62	
3	“a first pattern on said panel for representing a mode switch to switch said touchpad between a key mode and a mouse mode” (claim 7)	Apple	“a static graphical representation that toggles between key and mouse modes”	Claim 7; Fig. 1; 2:41-46; 353 FH 0100; 353 FH 0160-62	
4	“a first pattern on said panel for representing a mode switch to switch said touchpad between a mouse mode and a handwriting mode” (claim 10)	Apple	“a static graphical representation that toggles between mouse and handwriting modes”	Claim 10; Fig. 1; 2:41-46; 353 FH 0100; 353 FH 0160-62	
5	“a plurality of regions defined on	Apple	“two or more specific regions of the	Claim 1; Claim 4;	

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple's Proposed Construction</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
	said panel" (claims 1, 4, 7, 10)		touch inputting panel"	Claim 7; Claim 10; Fig. 1; Fig. 2; Fig. 5; 2:9-17; 2:41-48; 2:60-3:22; 3:29-31; 3:39-43; 353 FH 0089-101,00158-59, 00162	
6	"a plurality of second patterns on said plurality of regions for operation in said key and handwriting modes" (claims 1, 4)	Apple	"two or more static graphical representations that are on the specific regions and are present in and perform operations in both key and handwriting modes"	Claim 1; Claim 4; Fig. 1; 2:6-15; 2:60-3:18; 3:39-43; 353 FH 0159	
7	"a plurality of second patterns on said plurality of regions for operation in said key and mouse modes" (claim 7)	Apple	"two or more static graphical representations that are on the specific regions and are present in and perform operations in both key and mouse modes"	Claim 7; Fig. 1; 2:6-15; 2:60-3:18; 3:39-43; 353 FH 0159	
8	"a plurality of second patterns on said plurality of regions for operation in said mouse and handwriting modes" (claim 10)	Apple	"two or more static graphical representations that are on the specific regions and are present in and perform operations in both mouse and handwriting modes"	Claim 10; Fig. 1; 2:6-15; 2:60-3:18; 3:39-43; 353 FH 0159	
9	"substrate" (claims 1, 4, 7, 10)	Elan	No construction necessary.	Claim 1; Claim 4; Claim 7; Claim 10; 2:48-55; 353 FH 0078-79	
10	"PCB"	Elan	"printed circuit board"	Claim 1; Claim 4;	

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple's Proposed Construction</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
	(claims 1, 4, 7, 10)			Claim 7; Claim 10; 2:52-55; 353 FH 0078-79	
11	“mouse mode” (claims 7, 10)	Apple	“a mode that provides a cursor moving region and horizontal and vertical scroll bars for input operations”	Claim 7; Claim 10; Abstract; Fig. 1; 1:33-34; 2:15-17; 3:13-28	

**'218 Patent**

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple's Proposed Construction or Corresponding Structure</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
1	“detecting gap intervals between subsequent contact intervals” (claims 1, 5)	Apple	“detecting the duration between user contacts on a touch pad”	Claim 1; Claim 5; Abstract; Fig. 4; Fig. 5; Fig. 6; Fig. 7; 2:47-56; 4:33-41; 5:30-37; 6:27-44; 7:26-37; 7:51-57; 8:40-9:8; 9:66-10:5; 12:47-60	
2	“subsequent contact intervals” (claims 1, 5)	Elan	See construction of “detecting gap intervals between subsequent contact intervals.”		
3	“contact interval[s]” (claims 1, 2, 3, 5)	Elan	See construction of “distinguishing between a first cursor control operation, a second cursor control operation and a third cursor control operation based on the duration of said contact and gap intervals.”		
4	“distinguishing between a first cursor control operation, a second cursor control operation and a third cursor control operation based on the duration of said contact and gap intervals” (claim 1, 5)	Apple	“distinguishing between three cursor control operation(s) based on the duration of the user contacting the touch pad and the duration between such contacts”	Claim 1; Claim 5; Abstract; Fig. 4; Fig. 5; Fig. 6; Fig. 7; 2:47-61; 4:33-41; 5:30-37; 5:67-7:41; 7:50-77; 8:4-9; 8:13-9:62; 9:66-10:5;	

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple’s Proposed Construction or Corresponding Structure</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
				10:14-12:67; 218 FH 0112; 218 FH 0146	
5	“distinguishing” (claims 1, 5)	Elan	See construction of “distinguishing between a first cursor control operation, a second cursor control operation and a third cursor control operation based on the duration of said contact and gap intervals.”		
6	“first cursor control operation” (claims 1, 5)	Elan	See construction of “distinguishing between a first cursor control operation, a second cursor control operation and a third cursor control operation based on the duration of said contact and gap intervals.”		
7	“second cursor control operation” (claims 1, 5)	Elan	See construction of “distinguishing between a first cursor control operation, a second cursor control operation and a third cursor control operation based on the duration of said contact and gap intervals.”		
8	“third cursor control operation” (claims 1, 5)	Elan	See construction of “distinguishing between a first cursor control operation, a second cursor control operation and a third cursor control operation based on the duration of said contact and gap intervals.”		
9	“reporting” (claims 1, 5)	Elan	No construction necessary.	Claim 1; Claim 5; Abstract; Fig. 4;	



	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple’s Proposed Construction or Corresponding Structure</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
				Fig. 6; Fig. 8; Fig. 9; 1:8-12; 2:44-61; 3:8-11; 3:16-19; 3:23-28; 3:37-40; 4:30-41; 5:32-37; 5:46-49; 5:61-64; 6:8-16; 6:20-26; 6:34-39; 6:50-55; 8:30-39; 9:10-13; 9:66-10:13; 12:15-24; 12:40-47; 218 FH 0111-12	
10	“cursor control operations” (claims 1, 5)	Elan	No construction necessary.	Claim 1; Claim 5; Abstract; 1:24-2:15; 2:56-61; 6:9-19; 10:9-13	
11	“ButtonState variable” (claim 2)	Both	“value simulating the state of a button”	Claim 2; 2:44-61; 4:20-41; 5:62-64; 6:20-26; 6:34-39; 6:50-55; 6:63-66; 7:21-33; 8:14-17; 8:23-30; 8:40-44; 8:50-52; 8:60-9:4; 9:24-28; 10:5-13; 10:31-36; 11:21-29; 11:63-12:2; 12:8-11; 12:35-43;	

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple’s Proposed Construction or Corresponding Structure</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
				12:62-67	
12	“first button value” (claim 2)	Elan	“value simulating a first state of a button”	Claim 2; 1:8-12; 2:44-47; 2:47-56; 5:31-36; 5:62-6:8; 8:14-17; 8:23-30; 8:40-44; 218 FH 0111-12	
13	“second button value” (claims 2, 3)	Elan	“value simulating a second state of a button”	Claim 2; Claim 3; 1:8-12; 2:44-47; 2:47-56; 5:31-36; 5:62-6:8; 8:14-17; 8:23-30; 8:40-44; 218 FH 0111-12	
14	“means for detecting contact intervals” (claim 5)	Elan	This limitation is governed by 35 U.S.C. § 112(6).  The recited <u>function</u> is detecting contact intervals.  The <u>corresponding structure</u> is a count up or count down timer and equivalents thereof	Claim 5; Fig. 4; Fig. 5; Fig. 6; Fig. 7; Fig. 8; Fig. 9; Fig. 11; 4:42-5:24; 5:46-56; 7:42-57; 7:57-67; 8:17-52; 9:63-10:5; 10:31-36; 10:50-56; 11:30-46	
15	“means for detecting gap intervals” (claim 5)	Elan	This limitation is governed by 35 U.S.C. § 112(6).  The recited <u>function</u> is detecting gap intervals.	Claim 5; Fig. 4; Fig. 5; Fig. 6; Fig. 7; Fig. 8; Fig. 9; Fig. 11; 4:42-5:24; 5:46-	

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple’s Proposed Construction or Corresponding Structure</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
			The <u>corresponding structure</u> is a count up or count down timer and equivalents thereof	56; 7:42-57; 7:57-67; 8:17-52; 9:63-10:5; 10:31-36; 10:50-56; 11:30-46	
16	“means for distinguishing . . . and reporting” (claim 5)	Elan	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is distinguishing between a first cursor control operation, a second cursor control operation and a third cursor control operation based on the duration of said contact and gap intervals and reporting one of said first second or third cursor control operations.</p> <p>The <u>corresponding structure</u> is logic implemented in software, firmware, and/or hardware that considers contact and gap intervals to distinguish between cursor control operations, and supplies the data to the computer system as described in Fig. 1, Fig. 4, Fig. 5, Fig. 6, Fig. 7, Fig. 8, Fig. 9, Fig. 11, 4:11-12, 4:24-30, 5:2-5, 5:46-56, 6:14-17, 6:50-55, 6:63-66, 8:23-30, 8:34-37, 9:10-13,</p>	Claim 5; Fig. 1; Fig. 4; Fig. 5; Fig. 6; Fig. 7; Fig. 8; Fig. 9; Fig. 11; 4:11-12; 4:24-30; 5:2-5; 5:46-56; 6:14-17; 6:50-55; 6:63-66; 8:23-30; 8:34-37; 9:10-13; 9:63-10:13; 10:31-36; 11:25-29	

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple's Proposed Construction or Corresponding Structure</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
			9:63-10:13, 10:31-36, and/or 11:25-29, or equivalents thereof		

**'659 Patent**

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple's Proposed Construction</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
1	“sensors configured to map the touchpad surface into native sensor coordinates” (claim 1)	Elan	“sensors configured to map the touchpad surface into the sensor coordinates of the touchpad”	Claim 1; 2:29-40; 2:57-3:1; 3:23-33; 5:38-60; 6:51-64; 9:49-57; 14:25-31; 16:27-37; 20:6-67	
2	“native sensor coordinates” (claims 1, 6)	Elan	“the sensor coordinates of a touchpad”	Claim 1; Claim 6; 2:29-40; 3:23-33; 5:28-60; 6:51-64; 9:49-57; 10:8-24; 10:39-45; 14:25-31; 16:27-37	
3	“new values associated with logical device units” (claim 1)	Elan	“new values associated with the one or more areas of the touch pad that can be actuated by a user”	Claim 1; 3:23-33; 6:51-64; 8:4-12; 10:39-60; 13:45-62; 14:19-31; 659 FH 0146	
4	“logical device units” (claims 1, 8, 10, 12, 13)	Elan	“one or more areas of the touch pad that can be actuated by a user”	Claim 1; Claim 8; Claim 10; Claim 12; Claim 13; 3:23-33; 6:29-50; 6:65-7:21; 10:8-60; 14:19-31; 659 FH 0146	
5	“adjust the native values” (claim 1)	Elan	No construction necessary.	Claim 1; 3:23-33; 6:29-50; 6:65-	

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple’s Proposed Construction</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
				7:21; 8:4-12; 13:45-62; 14:19-31	
6	“associated with areas of the touchpad” (claim 1)	Elan	No construction necessary.	Claim 1; 3:23-33; 6:29-50; 6:65-7:21; 10:8-60; 14:19-31	
7	“actuated by a user” (claim 1)	Elan	No construction necessary.	Claim 1; 3:23-33; 7:12-20; 7:32-47; 15:62-16:2; 16:38-39; 16:50-62; 17:2-5; 17:17-28; 19:62-20:4	
8	“filtering” (claims 1, 2)	Elan	No construction necessary.	Claim 1; Claim 2; Fig. 5; 3:34-56; 5:19-27; 6:4-28; 8:59-9:3; 9:3-11; 9:28-36; 9:58-10:38; 10:8-38; 11:7-10; 659 FH 0149; 659 FH 0207-08; 659 FH 0230; 659 FH 0276; 659 FH 0288; 659 FH 0406	
9	“removing redundant or non-	Apple	“eliminating data that is redundant	Claim 2; Fig. 5;	

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple’s Proposed Construction</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
	essential data” (claim 2)		or not essential to the processing of touch inputs”	3:44-56; 5:19-27; 6:7-28; 7:59-8:3; 9:7-11; 9:58-10:38; 11:7-9	
10	“redundant data” (claim 2)	Elan	See construction for “removing redundant or non-essential data.”		
11	“non-essential data” (claim 2)	Elan	See construction for “removing redundant or non-essential data.”		
12	“Cartesian coordinates” (claims 6, 8)	Apple	“x and y axis coordinate system”	Claim 6; Claim 8; Claim 12; 5:38-46; 6:29-50; 7:22-31; 13:62-14:9; 14:13-18; 15:62-16:2; 659 FH 0147	
13	“absolute mode” (claims 10, 12)	Elan	No construction necessary.	Claim 10; Claim 12; 5:38-46; 6:29-50; 7:22-31; 11:42-48; 13:62-14:9; 14:13-18; 15:62-16:2	
14	“relative mode” (claim 12)	Elan	No construction necessary.	Claim 12; 6:29-50; 13:62-14:9; 14:13-18	
15	“Cartesian absolute mode” (claim 12)	Elan	See construction for “Cartesian coordinates.”		

**'929 Patent**

	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple's Proposed Construction</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
1	“touchpad apparatus” / “touchpad system” (claims 10, 15)	Apple	“a track pad housing and track pad”	Claim 10; Claim 15; Fig. 4A; Fig. 4B; 1:38-40; 3:1-6; 7:42-51; 8:18-22;	APEL0018465-67; APEL0018477-79
2	“wall” (claim 10)	Elan	No construction necessary.	Claim 10; Fig. 4A; Fig. 4B; 8:18-26; APEL0001548-49; APEL0001560	
3	“about the periphery of the opening” (claim 10)	Elan	“around the edge of the opening”	Claim 10; Fig. 4B; 8:27-46	
4	“substantially flush” (claim 12)	Elan	No construction necessary.	Claim 12; Fig. 4A; 1:47-56; 8:7-17; 8:60-9:7; APEL0001509; APEL0001560	
5	“housing” (claims 10, 12, 14, 15, 17)	Elan	No construction necessary.	Claim 10; Claim 12; Claim 14; Claim 15; Claim 17; Fig. 4A; Fig. 4B ; 1:22-24; 1:38-46; 1:47-56; 2:44-56; 3:1-6;	



	<b>Claim Term, Phrase, or Clause</b>	<b>Proposed By</b>	<b>Apple's Proposed Construction</b>	<b>Intrinsic Evidence</b>	<b>Extrinsic Evidence</b>
				7:57-8:17; 8:18-26; 8:27-46; 8:60-9:7; 9:8-23; 9:24-33	
6	“track pad label” (claims 13, 15)	Elan	“a protective label that is placed over the touch pad”	Claim 13; Claim 15; Fig. 4A; 8:7-17; 8:18-26; 8:47-59; 8:60-9:7; 9:8-23; APEL0001532-33	
7	“substantially the same thickness” (claim 16)	Elan	No construction necessary.	Claim 16; 8:27-46; 8:60-9:7	

1 **CERTIFICATE OF SERVICE**

2 I declare that I am employed with the law firm of Weil, Gotshal & Manges LLP,  
3 whose address is 201 Redwood Shores Parkway, Redwood Shores, California 94065-1175. I am  
4 not a party to the within cause, and I am over the age of eighteen years. I further declare that on  
5 January 11, 2010, I served a copy of:

6 **APPLE INC.’S DISCLOSURE OF PRELIMINARY CLAIM CONSTRUCTIONS AND**  
7 **EXTRINSIC EVIDENCE**

8 **BY U.S. MAIL** by placing a true copy thereof enclosed in a sealed  
9 envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing in  
10 accordance with the firm’s ordinary business practices. I am readily familiar with the practice for  
11 collection and processing of mail, and know that in the ordinary course of business practice that  
12 the document(s) described above will be deposited with the U.S. Postal Service on the same date  
13 as sworn to below.

14  **BY ELECTRONIC SERVICE** by electronically mailing a true and  
15 correct copy through the electronic mail system to the email address(es) set forth in the service  
16 list below.

17 **BY OVERNIGHT DELIVERY** by placing a true copy thereof enclosed  
18 in a sealed envelope with overnight delivery fees provided for, addressed as follows, for  
19 collection by Federal Express in accordance with ordinary business practices. I am readily  
20 familiar with the practice for collection and processing of correspondence for overnight delivery  
21 and know that in the ordinary course of business practice the document(s) described above will be  
22 deposited by an employee or agent in a box or other facility regularly maintained by Federal  
23 Express for collection on the same day that the document(s) are deposited.

24 **BY PERSONAL SERVICE** by placing a true copy thereof enclosed in a  
25 sealed envelope to be delivered by messenger to the offices of the addressee(s) (and left with an  
26 employee or person in charge of addressee’s office), as stated below, during ordinary business  
27 hours.

28 Yitai Hu (yitai.hu@alston.com)  
Sean P. DeBruine (sean.debruine@alston.com)  
S.H. Michael Kim (Michael.kim@alston.com)  
C. Augustine Rakow (augie.rakow@alston.com)  
Alston + Bird LLP  
Two Palo Alto Square  
3000 El Camino Real, Suite 400  
Palo Alto, CA 94306  
Telephone: 650-838-2000; Facsimile: 650-838-2001

I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct. Executed on January 11, 2010, at Redwood Shores,  
California.

/s/ Sonal N. Mehta  
Sonal N. Mehta