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Attorneys for Plaintiff and
Counterclaim-Defendant APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., a
Korean corporation; SAMSUNG ELECTRONICS
AMERICA, INC., a New York corporation; and
SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC, a Delaware limited liability
company,

Defendants.

Case No. 11-cv-01846-LHK (PSG)

**APPLE'S REQUEST FOR LEAVE
TO FILE STATEMENT OF
RECENT DECISIONS IN
SUPPORT OF ITS CLAIM
CONSTRUCTION POSITIONS**

1 The Court held its *Markman* hearing on Friday, January 20, 2012. Pursuant to Civil Local
2 Rule 7-3(d), Apple requests leave to submit a Statement of Recent Decisions (“Statement”)
3 (attached as **Exhibit A**). The Statement identifies and attaches two cases that issued the day of
4 the hearing and thereafter that support Apple’s claim construction positions. The two cases are:

- 5 • *Falana v. Kent State Univ.*, Case No. 2011-1198, slip op. at 9 (Fed.
6 Cir. Jan. 23, 2012) (holding that district court properly construed
7 the claim to not require an additional limitation because “the
8 claims, not the written description . . . define the scope of the
9 patent right”) (**Attachment 1 to Exhibit A**); and
- 10 • *Dealertrack, Inc. v. Huber*, Case No. 2009-1566, -1588, slip. op. at
11 12 (Fed. Cir. Jan. 20, 2012) (holding that district court erred by
12 excluding non-enumerated examples from its claim construction)
13 (**Attachment 2 to Exhibit A**).

14 Dated: January 27, 2012

MORRISON & FOERSTER LLP

15 By: /s/ Michael Jacobs
16 Michael Jacobs

17 Attorneys for Plaintiff
18 APPLE INC.