

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NOKIA CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 09-791-GMS
)	
APPLE INC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	
_____)	
APPLE INC.)	
)	
Counterclaim-Plaintiff,)	
)	
v.)	
)	
NOKIA CORPORATION and NOKIA INC.)	
)	
Counterclaim-Defendants.)	

**COUNTERCLAIM PLAINTIFF APPLE INC.’S FIFTH RULE 30(B)(6)
NOTICE OF DEPOSITION TO COUNTERCLAIM DEFENDANTS
NOKIA CORPORATION AND NOKIA INC.**

PLEASE TAKE NOTICE THAT, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, counterclaim-plaintiff Apple Inc. (“Apple”) will take the deposition of counterclaim defendants Nokia Corporation and Nokia Inc. (collectively, “Nokia”) commencing on May 13, 2011 at 9:00 a.m. at the offices of Wilmer Cutler Pickering Hale and Dorr LLP, 950 Page Mill Road, Palo Alto, California, 94304, and continuing day-to-day until completed.

Nokia is required to designate, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, one or more of its officers, directors or managing agents, or other persons with knowledge of the matters set forth in Attachment A of this notice to appear and testify on its behalf at the deposition. The persons so designated shall testify as to matters known or reasonably available to Nokia. Nokia is requested to provide Apple’s counsel, as soon as

reasonably possible, but no later than ten (10) business days before the deposition, written notice of the following: (a) the name and employment position of each designee who has consented to testify on behalf of Nokia in response to this Notice, and (b) all matters set forth below as to which each such designee has agreed to testify on behalf of Nokia.

The examination will be taken before a Notary Public or other person authorized to administer oaths and will be recorded stenographically and by video. Testimony derived pursuant to this Notice of Deposition shall be used for any and all appropriate purposes permitted by the Federal Rules of Evidence.

You are invited to attend and cross-examine.

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Dated: April 18, 2011
1009543 / 35035
US1DOCS 7914723v1

ATTACHMENT A

DEFINITIONS

1. “Nokia,” “you,” and “your” shall each mean and refer to plaintiffs and counterclaim defendants Nokia Corporation and Nokia Inc., including without limitation all of their predecessors, predecessors-in-interest, subsidiaries, parents, and affiliates, and all past or present directors, officers, agents, representatives, employees, and consultants, and any and all Nokia Named Inventors.
2. “Apple” shall mean defendant and counterclaim plaintiff Apple Inc.
3. “The ‘074 Patent” shall mean U.S. Patent No. 5,634,074, issued on May 27, 1997, and entitled “Serial I/O Device Identifies Itself To A Computer Through A Serial Interface During Power On Reset Then It Is Being Configured By The Computer,” and all foreign counterparts thereof.
4. “Product” shall mean a machine, manufacture, apparatus, device, instrument, mechanism, appliance, or an assemblage of components/parts (either individually or collectively) that are designed to function together electrically, mechanically, chemically, or otherwise, including any of the foregoing offered for sale, sold, or under development.
5. “Nokia Product” shall mean any Product designed, developed, tested, made, used, demonstrated, imported into the United States, offered for sale, or sold by Nokia.
6. “Nokia Accused Product” shall mean any Nokia Products named in the complaints/counterclaims or accused of infringement in interrogatory responses, and products with substantially similar functionality that are sold, offered for sale, publicly announced or disclosed, in or from the United States. Nokia Accused Products specifically include, but are not limited to:

- A. Any Nokia product with capabilities for scrolling a document or list on a touch screen by touch, and (i) displaying an area beyond the edge of the document/list after the edge has been reached, and (ii) repositioning the document to cover-up the area beyond the edge of the document/list, including without limitation the N900, N8, C6, C7, and E7. [**'381 patent**]
- B. Any Nokia product in which the display or appearance of an interface object (*e.g.*, icon) is capable of being changed from a first theme to a second theme, and each theme developed by or for Nokia for commercial distribution, including without limitation the 2700, 5230, 5230 Nuron, 5310, 5530 XpressMusic, 5530 XpressMusic Games Edition, 5800 XpressMusic, 6350, 6500 (Classic and Slide), 6555, 6700 Slide, 7020, C3, C6, C6, E5, E7, E50, E51, E52, E55, E61, E61i, E62, E63, E65, E66, E70, E71, E71x, E72, E73 Mode, E75, N8, N70, N71, N75, N97 mini, N900, X3 and X6. [**'795 patent**]
- C. Any Nokia product capable of activating or launching an application upon receiving an incoming call, message, or signal, based on information that identifies (i) the application, (ii) the type of incoming call, message, or signal, and (iii) the receiving port, including without limitation Nokia products that are capable of using the Java Push Registry to enable SMS Test Messaging and/or Instant Messaging, including without limitation the 1661, 2700, 5230, 5230 Nuron, 5530 XpressMusic, 5530 XpressMusic Games Edition, 5800 XpressMusic, 6350, 6500 (Classic and Slide), 6555, 6700 Slide, 7020, C3, C6, C6, E5, E7, E50, E51, E52, E55, E61, E61i, E62, E63, E65, E66, E70, E71, E71x, E72, E73 Mode, E75, N8, N70, N71, N75, N97 mini, N900, X3 and X6. [**'034 patent**]
- D. Any Nokia product capable of filtering or eliminating distortion or interference in MSK and GMSK signals by utilizing functionality relating to Single Antenna Interference Cancellation (“SAIC”), including without limitation the 1680, 5310, 6068, 6086, 6136, 6212, 6263, 6301, C2, E61i, E71, E90, and N900. [**'105 patent**]
- E. Any Nokia product that is capable of using USB functionality, including without limitation the 5310 XpressMusic, 5530 XpressMusic, 5610 XpressMusic, 5730 XpressMusic, 5800 XpressMusic, 6210 Navigator, 6555, N81, N81 8GB, N82, 3600, 6205, 7610 Supernova, E66, E71, N79, N85, E63, 7205 Intrigue, E71x, E75, 1006, N86 8MP, N97, E72, 3711, 6790, N97 mini, N900, 6350, N810, 3300, 6086, 6126, 6230, 6670, 7270, 7610, 9500, N70, N71, N72, N73, N80, N93, 3100, 5100, 5140, 6100, 6610, 6800, 6820, 6822, Nokia Connectivity Adapter AD-73, and Nokia Booklet 3G. [**'074 patent**]
- F. Any Nokia product that contains a processor capable of entering and exiting power modes via interrupt and non-interrupt signals to achieve power reduction or to reduce static power leakage, including without

limitation Nokia products that contain an ARM Cortex-A Series processor or an ARM11 processor, including without limitation the N97, N95-3 NAM, N97 mini, X6, E72, N82, N95, N93, 5800 XpressMusic, N85, 6700, N810, and N900. [**453 patent**]

- G. Any Nokia product in which an object oriented operating system, alone or in combination with other software, is capable of sending notices to objects, including without limitation Nokia products that use the Symbian operating system, including without limitation the 7650, 3600, 3620, 3650, 3660, N-Gage, N-Gage QD, 6600, 3230, 6260, 6620, 6670, 7610, 6630, 6680, 6681, 6682, N70, N72, N90, 3250, 5500 Sport, E50, E60, E61, E61i, E62, E65, E70, N71, N73, N75, N77, N80, N91, N91 8GB, N92, N93, N93i, 5700 XpressMusic, 6110 Navigator, 6120, 6121, 6124, 6290, E51, E63, E66, E71, E90 Communicator, N76, N81, N81 8GB, N82, N95, N95 8GB, 5230 XpressMusic, 5630 XpressMusic, 5730 XpressMusic, 6210, 6220, 6650, 6710 Navigator, 6720, 6730, 6760, 6790 Surge, E52, E55, E71x, E72, E75, N78, N79, N85, N86 8MP, N96, 5800 XpressMusic, 5800 Navigation Edition, 5530 XpressMusic, 5230, N97, N97 mini, X6, 7710, 9210, 9300, and 9500. [**703 patent**]
- H. Any Nokia product that contains an object oriented operating system capable of, alone or in combination with other software, implementing a telephony feature (such as placing a call, or putting a call on hold), including without limitation Nokia products that use the Symbian operating system, including without limitation the 7650, 3600, 3620, 3650, 3660, N-Gage, N-Gage QD, 6600, 3230, 6260, 6620, 6670, 7610, 6630, 6680, 6681, 6682, N70, N72, N90, 3250, 5500 Sport, E50, E60, E61, E61i, E62, E65, E70, N71, N73, N75, N77, N80, N91, N91 8GB, N92, N93, N93i, 5700 XpressMusic, 6110 Navigator, 6120, 6121, 6124, 6290, E51, E63, E66, E71, E90 Communicator, N76, N81, N81 8GB, N82, N95, N95 8GB, 5230 XpressMusic, 5630 XpressMusic, 5730 XpressMusic, 6210, 6220, 6650, 6710 Navigator, 6720, 6730, 6760, 6790 Surge, E52, E55, E71x, E72, E75, N78, N79, N85, N86 8MP, N96, 5800 XpressMusic, 5800 Navigation Edition, 5530 XpressMusic, 5230, N97, N97 mini, X6, 7710, 9210, 9300, and 9500. [**854 patent**]
- I. Any Nokia product, application, or environment that constitutes, in whole or part, a graphically based development tool that is capable of developing code for mobile devices. Additionally, each application developed, at least in part, with such tool, including any Nokia phone with such an application, including without limitation Carbide.C++ and any application developed with Carbide.C++. [**369 patent**]

7. “Person(s)” shall mean any natural person or any business, proprietorship, firm, partnership, corporation, association, organization, or other entity. The acts of a Person shall

include the acts of directors, officers, owners, members, employees, agents, attorneys or other representatives acting on the Person's behalf.

8. "Document(s)" is defined broadly to be given the full scope of that term contemplated in Federal Rules of Civil Procedure 26 and 34, and includes all tangible things, all originals (or, if originals are not available, identical copies thereof), all non-identical copies of a document, all drafts of final documents, all other written, printed, or recorded matter of any kind, and all other data compilations from which information can be obtained and translated if necessary, that are or have been in your actual or constructive possession, custody or control, regardless of the medium on which they are produced, reproduced, or stored (including without limitation computer programs and files containing any requested information), and any recording or writing, as these terms are defined in Rule 1001 of the Federal Rules of Evidence. Any document bearing marks, including without limitation, initials, stamped initials, comments, or notations not a part of the original text or photographic reproduction thereof, is a separate document.

9. "Communication(s)" means any contact, oral or written, including electronic, whereby information of any nature is transmitted or transferred, including without limitation, a person(s) seeing or hearing any information by any means and any document memorializing or referring to the contact.

10. "Date(s)" shall mean the exact date(s), if known, or the closest approximation to the exact date(s) as can be specified, including without limitation the year, month, week in a month, or part of a month.

11. "Entity" shall mean corporation, company, firm, partnership, joint venture, association, governmental body or agency, or persons other than a natural person.

12. “Thing” shall be given the broadest possible construction under the Federal Rules of Civil Procedure.

13. “Relate to,” “related to,” and “relating to” shall mean in whole or in part concerning, reflecting, alluding to, mentioning, regarding, discussing, bearing upon, commenting on, constituting, pertaining to, demonstrating, describing, depicting, directly or indirectly relating to, summarizing, containing, embodying, showing, comprising, evidencing, refuting, contradicting, analyzing, identifying, stating, dealing with, and/or supporting.

14. “Describe,” when used in relation to an act, event, instance, occasion, transaction, conversation, or communication, shall mean (a) to state the date and place thereof; (b) to identify the individual participants; (c) to summarize separately for each individual participant what he said or did; and (d) to identify each document used or prepared in connection therewith or making any reference thereto.

15. The terms “identify” or “identity” when used with respect to any natural person, means that the following information shall be provided: the person’s full name; last known home address and telephone number; last known business address and telephone number; last known title or occupation; and last known employer.

16. The terms “identify” or “identity” when used with respect to any entity (including without limitation corporation, company, firm, partnership, joint venture, association, governmental body or agency or persons other than a natural person), shall mean that the following information shall be provided: the full legal name of the entity; the place of incorporation or organization; the principal place of business; and the nature of the business conducted by that legal entity.

17. The term “identify” or “identity” when used with respect to a document, subject to the option to produce records under Rule 33(d) of the Federal Rules of Civil Procedure, shall mean to provide information sufficient to locate that document, including but not limited to the following: the Bates range, the date appearing on such document or, if no date appears thereon, the approximate date the document was prepared; the identifying code number, file number, title, or label of such document; a general description of such document (*e.g.*, letter, memorandum, drawing); the title or heading; the number of pages of which such document consists; the name of each person who signed or authorized the document; the name of each addressee; the name of each person having possession, custody, or control of such document; if the document existed at one time but does not presently exist, the reason(s) why it no longer exists and the identity of the last person having custody of it; and, if the document is in a foreign language, whether an English translation of the document exists, whether partial or complete.

18. The terms “identify” or “identity” when used with reference to any communication, shall mean that the following information shall be provided: (a) summarize the substance of the communication; (b) state the date and place of the communication; (c) identify each person who was present at, involved in, connected with or who participated in the communication; (d) state the form of communication (*e.g.*, telephone call, meeting, letter, etc.); and (e) identify each document memorializing or referring to the communication.

19. The terms “identify” or “identity” when used with reference to a product or other tangible thing that is not a document or communication (including without limitation any products manufactured, developed, or sold by Nokia), shall mean that the following information shall be provided: (a) identify the product name(s), product number(s), version number(s), and revision number(s); (b) identify the date that the product or thing was first introduced for sale,

the date of the thing's first sale; and (c) identify all team names, code names, or project titles used in connection with the design, development, testing, or engineering of that product or tangible thing.

20. The terms "identify" or "identity" when used with reference to a method, shall mean state or provide information supplying the date that the process was first used, the date the products or other objects made by the process were first sold, all numbers or codes used to refer to the process, including but not limited to process revision numbers or codes, all process names, and all team names or project titles used in connection with the design, development, testing, or engineering of that process.

21. Where an instruction or topic of examination below names a corporation or other legal entity, the instruction or topic of examination includes within its scope any parent, predecessors-in-interest, subsidiaries, affiliates, directors, officers, employees, agents, and representatives thereof, including attorneys, consultants, accountants, and investment bankers.

TOPICS OF EXAMINATION

1. All reasons that Nokia decided to incorporate Universal Serial Bus ("USB") functionality into the Nokia Accused Products.

2. Surveys, studies, or other evaluations performed by, at the request of, or otherwise known by, Nokia regarding customer use of USB functionality in the Nokia Accused Products.

3. Instructions, directions, or other information provided by Nokia to customers of the Nokia Accused Products regarding how to use USB functionality in the accused products.

4. Use, including testing, by Nokia in the United States of USB functionality in the Nokia Accused Products.

5. The existence or non-existence of a USB interface on each Nokia Accused Product.

6. The nature of and technical specification relating to the USB cable supplied by Nokia with each of the Nokia Accused Products.
7. The reasons that Nokia supplies a USB cable with the Nokia Accused Products.
8. Nokia's databases or other methods to track service and support inquiries from customers relating to USB functionality in the Nokia Accused Products.
9. Communications between Nokia and its customers in the United States regarding USB functionality in the Nokia Accused Products, including all support and service questions received from customers in the United States regarding USB functionality in the Nokia Accused Products.
10. Nokia's knowledge of the requirements of the USB standards.
11. Whether the Nokia Accused Products are designed to comply with the USB standards.
12. Nokia's pre-suit knowledge of the '074 patent.
13. Nokia's pre-suit knowledge of the '034 patent.
14. Nokia's pre-suit knowledge of the '795 patent.
15. All reasons that Nokia decided to incorporate ScrollViewWithBounce functionality into its Symbian^3 software.
16. Instructions, directions, or other information provided by Nokia to customers of the Nokia Accused Products or third party developers regarding how to use ScrollViewWithBounce functionality in the Nokia Accused Products.
17. Use, including testing, by Nokia in the United States of ScrollViewWithBounce functionality in the Nokia Accused Products.

18. The existence or non-existence of ScrollViewWithBounce functionality on each Nokia Accused Product.

19. The reasons that Nokia supplies ScrollViewWithBounce in the Nokia Accused Products.

20. Communications between Nokia and its customers in the United States regarding ScrollViewWithBounce functionality in the Nokia Accused Products.

21. Nokia's pre-suit knowledge of the '381 patent.

22. Nokia's pre-suit knowledge of the '105 patent.

23. The identity of the directory (or directories) of the source code installed on each Nokia Accused Product that performs the following functions:

- moving—including, but not limited to, scrolling, translating, rotating, or zooming—document or list via the touch screen ['381 patent]
- modifying a theme of a user interface. This includes all themes, whether the theme is loaded or installed on a Nokia Accused Product by Nokia or by a third party. The term “theme” should be given its broadest possible meaning and encompass at a minimum Nokia's use of the term at, for example, <https://store.ovi.com/#/personalize> ['795 patent]
- activating, initiating, commencing, opening, or launching an application upon receiving an incoming call, message, or signal. This could include, for example (but without limitation), text messaging, instant messaging, push email, other push applications, video-chat, and videoconferencing applications available on and/or downloadable to Nokia products from the Ovi store or otherwise, such as the “Fring” application. This includes without limitation any functionality relating to Java Specification Request 118 Mobile Information Device Profile 2.0 (or any other version), Java Specification Request 120 Wireless Messaging API, and Java Specification Request 185 Java Technology for the Wireless Industry ['034 patent]
- eliminating, reducing, or otherwise affecting distortion or interference in MSK- and GMSK- type signals, including but not limited to Single Antenna Interference Cancellation (“SAIC”) or Downlink Advanced Receiver Performance (“DARP”), including testing or certification documents. ['105 patent]

24. The identity of each version of the directory (or directories) of the source code that is shipped with each Nokia Accused Product that performs the following functions:

- moving—including, but not limited to, scrolling, translating, rotating, or zooming—document or list via the touch screen [‘381 patent]
- modifying a theme of a user interface. This includes all themes, whether the theme is loaded or installed on a Nokia Accused Product by Nokia or by a third party. The term “theme” should be given its broadest possible meaning and encompass at a minimum Nokia’s use of the term at, for example, <https://store.ovi.com/#/personalize> [‘795 patent]
- activating, initiating, commencing, opening, or launching an application upon receiving an incoming call, message, or signal. This could include, for example (but without limitation), text messaging, instant messaging, push email, other push applications, video-chat, and videoconferencing applications available on and/or downloadable to Nokia products from the Ovi store or otherwise, such as the “Fring” application. This includes without limitation any functionality relating to Java Specification Request 118 Mobile Information Device Profile 2.0 (or any other version), Java Specification Request 120 Wireless Messaging API, and Java Specification Request 185 Java Technology for the Wireless Industry [‘034 patent]
- eliminating, reducing, or otherwise affecting distortion or interference in MSK- and GMSK- type signals, including but not limited to SAIC or DARF, including testing or certification documents. [‘105 patent]

25. The identity of the directory (or directories) of the source code that Nokia considers to be representative of the source code installed on other Nokia Accused Products with respect to each of the following features:

- moving—including, but not limited to, scrolling, translating, rotating, or zooming—document or list via the touch screen [‘381 patent]
- modifying a theme of a user interface. This includes all themes, whether the theme is loaded or installed on a Nokia Accused Product by Nokia or by a third party. The term “theme” should be given its broadest possible meaning and encompass at a minimum Nokia’s use of the term at, for example, <https://store.ovi.com/#/personalize> [‘795 patent]
- activating, initiating, commencing, opening, or launching an application upon receiving an incoming call, message, or signal. This could include, for example (but without limitation), text messaging, instant messaging, push email, other push applications, video-chat, and videoconferencing applications

available on and/or downloadable to Nokia products from the Ovi store or otherwise, such as the “Fring” application. This includes without limitation any functionality relating to Java Specification Request 118 Mobile Information Device Profile 2.0 (or any other version), Java Specification Request 120 Wireless Messaging API, and Java Specification Request 185 Java Technology for the Wireless Industry [‘034 patent]

- eliminating, reducing, or otherwise affecting distortion or interference in MSK- and GMSK- type signals, including but not limited to SAIC or DARP, including testing or certification documents. [‘105 patent]

26. Any software (including source code, executables, and libraries) provided by third parties, including Texas Instruments, that implements DARP and/or SAIC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on April 18, 2011, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I hereby certify that on April 18, 2011, the attached document was electronically mailed to the following person(s)

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