

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

APPLE INC.,

Plaintiff,

v.

HIGH TECH COMPUTER CORP., a/k/a  
HTC CORP., HTC (B.V.I.) CORP., HTC  
AMERICA, INC., and EXEDEA, INC.,

Defendants.

C.A. No. 10-00167-RK

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS COUNT  
VIII OF COMPLAINT PURSUANT TO RULE 12(b)(6) BY DEFENDANTS HIGH TECH  
COMPUTER CORP., a/k/a HTC CORP., HTC (B.V.I.) CORP., HTC AMERICA, INC.,  
AND EXEDEA, INC.**

As set forth in set forth in the Opening Brief (“Opening Brief”) of Defendants High Tech Computer Corp., a/k/a HTC Corp., HTC America, Inc., HTC (B.V.I.) Corp., and Exedea, Inc. (collectively “HTC”) in Support of Motion to Dismiss Count VIII of the Complaint Pursuant to Rule 12(b)(6) (“the Motion”), filed contemporaneously herewith, HTC is requesting that the Court take judicial notice of the file history of United States Patent No. 7,383,453 (“the ‘453 patent”). *See, e.g.*, Opening Brief at pp. 3, 9-10.

A true and correct copy of the file history—along with page numbers that HTC has added for ease of reference in the bottom right hand corner of each page—is attached hereto as Exhibits A through G. For purposes of completeness, HTC has attached hereto the entire file history of the ‘453 patent. The Motion focuses, however, on only certain portions of the file history. As such, the file history has been divided into exhibits that correspond to the discussion of those exhibits in HTC’s Opening Brief:

<b>Exhibit</b>	<b>Page Range in File History<sup>1</sup></b>	<b>File History Dates<sup>2</sup></b>	<b>Subject Matter</b>
A	1-189	8/25/2005-12/19/2007	Not material to Motion; included for completeness
B	190-207	2/26/2008	Applicant's Request for Continued Examination, which contained the claims that were included in the published patent ("the Printed Claims")
C	208-239	4/8/2008	PTO's Notice of Allowability, which attaches, <i>inter alia</i> :  (1) an "Interview Summary for an interview that took place on March 20, 2008;  (2) an "Examiner's Amendment"; and  (3) a nine-page fax dated March 26, 2008, containing the claims allowed by the PTO ("the Allowed Claims")
D	240-252	4/16/2008-6/3/2008	Not material to Motion; included for completeness
E	253-270	7/17/2008	Apple's Request for Certificate of Correction, seeking to replace the Printed Claims with the Allowed Claims
F	271-273	7/23/2008-8/21/2008	PTO's Response to Apple's 7/17/2008 Request for Certificate of Correction
G	274-302	10/6/2008-2/17/2009	Not material to Motion; included for completeness
H	303-306	5/7/2010	Apple's renewed Request for Certificate of Correction, seeking to replace the Printed Claims with the Allowed Claims

<sup>1</sup> These are page numbers that were added by HTC to the attached copy of the file history, and are located at the bottom right-hand corner of each page.

<sup>2</sup> These are the dates that the PTO assigned to submissions in the file history. These dates were obtained by accessing the PTO's Public Application Information Retrieval (PAIR) service: <http://portal.uspto.gov/external/portal/pair>. Occasionally, the PTO's assigned date does not correspond with dates included on the face of the submitted document.

June 4, 2010

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*/s/ Karen L. Pascale*

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## CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2010, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following counsel of record:

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I further certify that on June 4, 2010, I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel and on the following non-registered participants in the manner indicated:

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