

EXHIBIT 8

Motorola Mobility, Inc. v. Apple, Inc.,

Case No. 1:10-CV-23580-UU (S.D. Fla.)

Markman Hearing
Apple's Presentation

Is Construction Required?

- Claim construction is needed “only **‘[w]hen the parties present a fundamental dispute** regarding the scope of a claim term.”

Silicon Graphics, Inc. V. ATI Techs., Inc., 607 F.3d 784, 798 (Fed. Cir. 2010)
(citing *O2 Micro*, 521 F.3d at 1362).

- “[O]nly those terms need be construed that are in controversy, and **only to the extent necessary to resolve the controversy.**”

Vivid Techs., Inc. v. Am. Sc. & Eng’g, Inc., 200 F.3d 795, 803 (Fed. Cir. 1999).

- “[T]he court must see to it that **disputes** concerning the scope of the patent claims **are fully resolved.**”

Every Penny Counts, Inc. V. Am. Express Co., 563 F.3d 1378, 1383 (Fed. Cir. 2009)
(citations omitted).

Is Construction Required?

- “It is well settled that the role of a district court in construing claims is not to redefine claim recitations or to read limitations into the claims to obviate factual questions of infringement and validity but rather to give meaning to the limitations actually contained in the claims, informed by the written description, the prosecution history if in evidence, and any relevant extrinsic evidence.”

Am. Piledriving Equip., Inc. V. Geoquip, Inc., 637 F.3d 1324 (Fed. Cir. 2011).