

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MIRROR WORLDS, LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 6:08-CV-88 LED

JURY TRIAL DEMANDED

APPLE INC.,

Counterclaim Plaintiff,

v.

MIRROR WORLDS LLC,
MIRROR WORLDS TECHNOLOGIES,
INC.,

Counterclaim Defendants.

**DECLARATION OF STEFANI C. SMITH IN SUPPORT OF APPLE INC.'S CLAIM
CONSTRUCTION BRIEF RE MIRROR WORLDS' PATENTS**

I, Stefani C. Smith, declare as follows:

1. I am a member of the State Bar of California and an attorney of the law firm of Weil, Gotshal & Manges LLP, counsel of record for Apple, Inc. in this case. I have personal knowledge of the facts stated in this Declaration and, if called upon as a witness, could and would testify competently thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of U.S. Patent No. 6,006,227, entitled "*Document Stream Operating System*," by Freeman *et. al.*

3. Attached hereto as **Exhibit B** is a true and correct copy of U.S. Patent No. 6,725,427, entitled “*Document Stream Operating System with Document Organizing and Display Facilities*,” by Freeman *et. al*.

4. Attached hereto as **Exhibit C** is a true and correct copy of ‘227 File History Amendment C, Paper 18, dated May 7, 1999.

5. Attached hereto as **Exhibit D** is a true and correct copy of ‘227 File History Preliminary Amendment B, Paper 13, dated October 16, 1998.

6. Attached hereto as **Exhibit E** is a true and correct copy of excerpts from the transcript of the deposition of John Levy, taken December 11, 2009.

7. Attached hereto as **Exhibit F** is a true and correct copy of the Expert Report of Dr. Feiner re: Claim Construction of U.S. Patent Nos. 6,006,227; 6,638,313; 6,725,427; 6,768,999.

8. Attached hereto as **Exhibit G** is a true and correct copy of excerpts from Random House Compact Unabridged Dictionary, Special Second Edition, 1996.

9. Attached hereto as **Exhibit H** is a true and correct copy of excerpts from Merriam Webster’s Collegiate Dictionary, Tenth Edition, 1996.

10. Attached hereto as **Exhibit I** is a true and correct copy of Amendment in Response to First Office Action in *Inter Partes* Reexamination of U.S. Patent 6,725,427, dated October 28, 2009.

11. Attached hereto as **Exhibit J** is a true and correct copy of *Maurice Mitchell Innov., L.P. v. Intel Corp.*, 2006 WL 3447632, at *2 (E.D. Tex. Nov. 22, 2006), *aff’d*, 2007 WL 2777968 (Fed. Cir. Sept. 24, 2007).

12. Attached hereto as **Exhibit K** is a true and correct copy of the transcript of excerpts from the deposition of David Gelernter, taken November 5, 2009.

13. Attached hereto as **Exhibit L** is a true and correct copy of the transcript of excerpts from the deposition of David Gelernter, taken June 18, 2009.

Executed on this 9th day of January 2010 at Redwood Shores, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Respectfully submitted,

/s/ Stefani C. Smith
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