

# EXHIBIT D

UNITED STATES DISTRICT COURT  
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

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APPLE INC.

Counterclaim Plaintiff

v.

MIRROR WORLDS, LLC,  
MIRROR WORLDS TECHNOLOGIES, INC.

Counterclaim Defendants.

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**EXPERT REPORT OF JOHN LEVY, Ph.D. REGARDING NON-INFRINGEMENT**

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## **I. INTRODUCTION**

1. I, John Levy, submit this Expert Report in connection with my preparation to testify at the trial in the above-captioned case on issues relating to non-infringement by Mirror Worlds Technologies, Inc. of Apple Inc.'s United States Patent No. 6,613,101 ("the '101 patent"), by various Mirror Worlds Technologies products.

2. This report is based upon information currently known to me and I reserve the right to rely upon any additional information I become aware of after the date of this report and to respond to any arguments or opinions regarding the subject matter of my declaration raised by Apple or its experts after the date of this report, including at trial.

## **II. PROFESSIONAL BACKGROUND AND QUALIFICATIONS**

3. I incorporate, by reference, my background and qualifications described in my Report regarding Validity served on even date herewith.

## **III. MATERIALS REVIEWED**

4. In connection with this report, I have reviewed materials listed in Exhibit A.

## **IV. RESERVATION OF RIGHTS**

5. I understand that at this point the basis for Apple's infringement analysis is the claim construction of the term "a graphical iconic representation of a collection of said first plurality of documents" ('101 Patent, claims 1, 5, and 9) as meaning "a collection of two or more document icons displayed together."<sup>1</sup>

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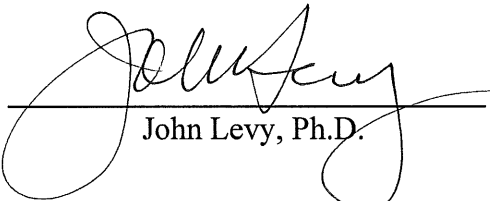
<sup>1</sup> D.I. 178.

6. I understand that this is the claim construction proffered by Apple at the Markman hearing and which was accepted by the Court in the preliminary claim construction ruling.

7. As I have stated in my initial Invalidity Report, the '101 Patent is anticipated by the prior art. If the Court changes its preliminary construction, I reserve the right to address the new claim construction.

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

Executed on June 4, 2010 at New York, NY.



John Levy, Ph.D.

## EXHIBIT A

### Items Considered by John Levy, PhD.

#### Patents:

US 6,613,101

#### File Histories:

US 6,613,101

#### Pleadings:

Claim Construction Order dated February 17, 2010

#### Expert Reports:

Expert Report of Steven K. Feiner, Ph.D. Re: Infringement of U.S. Patent No. 6,613,101 (PILES) dated May 20, 2010 and references cited therein.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document is being served this 4th day of June 2010 via email upon counsel for Apple at the following address:

MirrorWorlds@paulhastings.com

*/s/ Alexander Solo*