

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

_____)
NOKIA CORPORATION,)
)
Plaintiff,)
)
v.)
)
APPLE INC.,)
)
Defendant.)
_____)
APPLE INC.,)
)
Counterclaim-Plaintiff,)
)
v.)
)
NOKIA CORPORATION and NOKIA INC.,)
)
Counterclaim-Defendants.)
_____)

CIVIL ACTION NO. 10-CV-249

**DECLARATION OF ALYSON J. PORTNEY IN
SUPPORT OF APPLE’S OPENING MARKMAN BRIEF**

I, Allyson J. Portney, hereby declare as follows:

1. I am an attorney at law admitted to practice in the Commonwealth of Massachusetts (BBO# 669288). I was admitted to practice in this Court *pro hac vice* on December 10, 2010. I am an associate at the law firm of Wilmer Cutler Pickering Hale and Dorr, LLP, counsel for defendant and counterclaim-plaintiff Apple Inc. (“Apple”) in this action by Nokia Corporation (“Nokia”).
2. I have personal knowledge of the information set forth herein, and I could and would competently testify thereto if called as a witness.
3. I make this declaration in support of Apple Inc.’s Motion For Claim Construction Of Certain Disputed Terms.

4. Electronically filed herewith as Exhibit A is a true and accurate copy of the November 6, 2002 Office Action and January 17, 2003 Amendment in Response from the prosecution history of United States Patent No. 6,603,431.

5. Electronically filed herewith as Exhibit B is a true and accurate copy of the March 25, 2003 Notice of Allowability from the prosecution history of United States Patent No. 6,603,431 File History.

6. Electronically filed herewith as Exhibit C is a true and accurate copy of the January 19, 2001 Office Action and April 5, 2001 Amendment in Response from the prosecution history of United States Patent No. 6,348,894.

7. Electronically filed herewith as Exhibit D is a true and accurate copy of the September 22, 2005 Notice of Allowance from the prosecution history of United States Patent No. 7,532,680.

8. Electronically filed herewith as Exhibit E is a true and accurate copy of the December 27, 2005 Preliminary Amendment from the prosecution history of United States Patent No. 7,532,680.

9. Electronically filed herewith as Exhibit F is a true and accurate copy of the Cited Reference, M. Soviero, "Your World According to Newton," Popular Science, September 1992, from the prosecution history of United States Patent No. 5,612,719.

10. Electronically filed herewith as Exhibit G is a true and accurate copy of the May 28, 1993 Office Action and August 30, 1993 Response from the prosecution history of United States Patent No. 5,612,719.

11. Electronically filed herewith as Exhibit H is a true and accurate copy of the November 15, 1993 Office Action and January 18, 1994 Response from the prosecution history of United States Patent No. 5,612,719.

12. Electronically filed herewith as Exhibit I is a true and accurate copy of the November 28, 1995 Office Action and July 9, 1996 Response from the prosecution history of United States Patent No. 5,612,719.

13. Electronically filed herewith as Exhibit J is a true and accurate copy of the July 7, 1994 Office Action and October 21, 1994 Response from the prosecution history of United States Patent No. 5,612,719.

14. Electronically filed herewith as Exhibit K is a true and accurate copy of the September 27, 1996 Office Action and November 5, 1996 Response from the prosecution history of United States Patent No. 5,612,719.

15. Electronically filed herewith as Exhibit L is a true and accurate copy of the Declaration of Daniel Sievenpiper, Ph.D.

16. Electronically filed herewith as Exhibit M is a true and accurate copy of the Declaration of Patrick Fay.

17. Electronically filed herewith as Exhibit N is a true and accurate copy of the Declaration of Michael Braasch, Ph.D.

18. Electronically filed herewith as Exhibit O is a true and accurate copy of pages 443 and 157 from the 1st edition of Webster's Dictionary.

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

Executed this 17th day of December, 2010 in Boston, Massachusetts.

/s/ Allyson J. Portney
Allyson J. Portney