

# **EXHIBIT 31**

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.

Before The Honorable Carl C. Charneski  
Administrative Law Judge

\_\_\_\_\_  
In the Matter of )  
)

CERTAIN PERSONAL DATA AND )  
MOBILE COMMUNICATIONS )  
DEVICES AND RELATED SOFTWARE )  
)  
\_\_\_\_\_ )

Investigation No. 337-TA-710

**JOINT MOTION TO AMEND THE JOINT LIST OF UNDISPUTED  
CLAIM TERMS WITH AGREED CONSTRUCTIONS,  
APPLE'S CORRECTED PROPOSED CLAIM CONSTRUCTION CHART,  
AND HTC'S PROPOSED CLAIM CONSTRUCTIONS**

Pursuant to the modified procedural schedule (Order No. 24), Complainants Apple Inc. and NeXT Software, Inc. (collectively, "Apple"), Respondents HTC Corp. (f/k/a High Tech Computer Corp.), HTC America, Inc., and Exedeia, Inc. (collectively, "HTC"), and the Commission Investigative Staff jointly move that the List of Undisputed Claim Terms With Agreed Constructions, Apple's Corrected Proposed Claim Chart, and HTC's Proposed Claim Constructions be amended to reflect recent agreements between the parties and changes made by each party, and in accordance with Appendix A.

The bases for the amendments are set forth in the supporting Memorandum.

Dated: April 4, 2011

Respectfully Submitted,

*/s/Jamie H. McDole*

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Dated: April 4, 2011

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UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.

Before The Honorable Carl C. Charneski  
Administrative Law Judge

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In the Matter of )

CERTAIN PERSONAL DATA AND )  
MOBILE COMMUNICATIONS )  
DEVICES AND RELATED SOFTWARE )

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Investigation No. 337-TA-710

**MEMORANDUM OF LAW IN SUPPORT OF JOINT MOTION TO AMEND THE  
JOINT LIST OF UNDISPUTED CLAIM TERMS WITH AGREED CONSTRUCTIONS,  
APPLE'S CORRECTED PROPOSED CLAIM CONSTRUCTION CHART,  
AND HTC'S PROPOSED CLAIM CONSTRUCTIONS**

Pursuant to the modified procedural schedule (Order No. 24), Complainants Apple Inc. and NeXT Software, Inc. (collectively, "Apple"), Respondents HTC Corp. (f/k/a High Tech Computer Corp.), HTC America, Inc., and Exedeia, Inc. (collectively, "HTC"), and the Commission Investigative Staff jointly move that the List of Undisputed Claim Terms With Agreed Constructions, Apple's Corrected Proposed Claim Chart, and HTC's Proposed Claim Constructions be amended to reflect recent agreements between the parties and changes made by each party, and in accordance with Appendix A.

**I. HTC AND APPLE HAVE AGREED TO ADDITIONAL PROPOSED CONSTRUCTIONS OF CLAIM TERMS.**

On November 19, 2010, the parties filed their List of Undisputed Claim Terms With Agreed Constructions, and their respective Proposed Claim Constructions. Thereafter, Apple filed its Corrected Proposed Claim Constructions Chart, and HTC filed its Corrected Proposed Claim Constructions, making corrections to certain proposed constructions of terms of the '983

patent. On February 24, 2011 the parties filed a Joint Motion to Amend the Joint List of Undisputed Claim Terms with Agreed Constructions, Apple's Corrected Proposed Claim Construction Chart, and HTC's Proposed Claim Constructions. That motion was granted in Order 93 on March 1, 2011.

**A. U.S. Patent No. 6,275,983 (asserted claims 1 and 7)**

On March 18, 2011, the parties agreed to modify their proposed construction of "during runtime." The parties agree as follows:

<b>Claim Term</b>	<b>Agreed Construction</b>
during runtime	during the running or execution of the object-oriented application

On March 11, 2011, Apple agreed to withdraw its proposed construction for the "selectively load required object-oriented methods into the executable program memory" element of claim 1 and the "selectively loading the object-oriented methods into the executable program memory" of claim 7 and to instead construe the entire "to selectively loading the object-oriented methods into executable program memory during runtime before invocation of the object-oriented methods" element of claim 1 and the "selectively loading the object oriented methods into the executable program memory during runtime before invocation thereof" element of claim 7. Apple's proposed construction for these elements, along with the Staff's and HTC's respective constructions, are as follows:

<b>Claim Term</b>	<b>Apple Construction</b>	<b>Staff Construction</b>	<b>HTC Construction</b>
"to selectively load required object-oriented methods into the executable program memory during runtime before invocation of the object-oriented	Loading required object-oriented methods into the executable memory during runtime before invocation of the object-oriented methods as needed	Copying or transferring required object-oriented methods into the executable memory during runtime before invocation of the [object-]oriented	Selecting the required object oriented method code for the system during runtime and copying the selected code into the executable program memory just

methods." (claim 1)  selectively loading the object oriented methods into the executable program memory during runtime before invocation thereof (claim 7)		methods as needed	before invocation thereof
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**B. U.S. Patent No. 5,946,647 (asserted claims 1, 3, 4, 8, 15, 19)**

On March 30, 2011, Apple and HTC further agreed to adopt the Staff’s proposed construction for the “analyzer server” element of claims 1, 3, 4, and 8. The parties agree as follows:

<b>Claim Term</b>	<b>Agreed Construction</b>
analyzer server	a program sub-routine that receives data from a document having recognizable structures, and uses patterns to detect the structures

**II. GRANTING LEAVE TO AMEND WOULD NARROW AND STREAMLINE THE ISSUES IN THE INVESTIGATION.**

All parties agree that amending the List of Undisputed Claim Terms With Agreed Constructions, Apple's Corrected Proposed Claim Chart, and HTC's Proposed Claim Constructions would conserve time and resources by narrowing the issues and streamlining the process in this Investigation. Accordingly, leave should be granted to amend the List of Undisputed Claim Terms With Agreed Constructions, Apple's Corrected Proposed Claim Chart, and HTC's Proposed Claim Chart in accordance with Appendix A.



Dated: April 4, 2011

Respectfully Submitted,

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Dated: April 4, 2011

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**CERTIFICATE OF SERVICE**

I, Wendy K. Adams, hereby certify that on this 4th day of April, 2011 copies of foregoing document were filed and served upon the following parties as indicated:

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*/s/Wendy K. Adams*

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Wendy K. Adams

# **APPENDIX A**

**1. U.S. Patent No. 6,275,983 (asserted claims 1 and 7)**

<b>Claim Term</b>	<b>Agreed Construction</b>
during runtime	during the running or execution of the object-oriented application

<b>Claim Term</b>	<b>Apple Construction</b>	<b>Staff Construction</b>	<b>HTC Construction</b>
to selectively load required object-oriented methods into the executable program memory during runtime before invocation of the object-oriented methods (claim 1)	Loading required object-oriented methods into the executable memory during runtime before invocation of the object-oriented methods as needed	Copying or transferring required object-oriented methods into the executable memory during runtime before invocation of the [object-]oriented methods as needed	Selecting the required object oriented method code for the system during runtime and copying the selected code into the executable program memory just before invocation thereof
selectively loading the object oriented methods into the executable program memory during runtime before invocation thereof (claim 7)			

**2. U.S. Patent No. 5,946,647 (asserted claims 1, 3, 4, 8, 15, 19)**

<b>Claim Term</b>	<b>Agreed Construction</b>
analyzer server	a program sub-routine that receives data from a document having recognizable structures, and uses patterns to detect the structures