

JOINTLY SUBMITTED

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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**UNWIRED PLANET LLC, a Nevada limited
liability company,**

Plaintiff,

v.

APPLE INC., a California corporation,

Defendant.

CIVIL ACTION NO.

4:13-cv-04134-YGR

**JOINT CLAIM
CONSTRUCTION
STATEMENT PURSUANT
TO PATENT LOCAL RULE
4-3**

JURY TRIAL DEMANDED

1 Plaintiff Unwired Planet, LLC (“UP”), by its attorneys, and Defendant Apple Inc.
 2 (“Apple”), by its attorneys, submit the following Joint Claim Construction Statement pursuant to
 3 Patent L.R. 4-3 and the Court’s Standing Order for Patent Cases (“Standing Order”).

4 Pursuant to the Court’s scheduling order dated January 15, 2014 and the discussion with
 5 the Court at the case management conference on January 6, 2014, UP identified the following ten
 6 (10) claims for purposes of initial claim construction:¹

7 U.S. Patent No. 6,647,260 – claims 1 and 16

8 U.S. Patent No. 6,321,092 – claim 20

9 U.S. Patent No. 6,317,831 – claims 17, 23, and 25

10 U.S. Patent No. 6,532,446 – claims 15 and 35

11 U.S. Patent No. 6,813,491 – claims 15 and 26.

12 **A. Construction of Agreed Terms**

13 Pursuant to Patent L.R. 4-3(a), the parties have agreed that the term “quantification of the
 14 motion” found in claim 21² of the ’491 patent should be construed as “degree or amount of the
 15 motion.”

16 **B. Proposed Construction Of Disputed Terms**

17 Pursuant to Patent L.R. 4-3(b)-(c) and the Court’s Standing Order, the parties identify the
 18 terms and each party’s proposed construction in Exhibit A. In compliance with the Court’s
 19 Standing Order, the parties also identify the supporting intrinsic and extrinsic evidence for their
 20 respective proposed constructions in Exhibit B. The patents-in-suit are attached as Exhibits C–G.

21 UP’s Statement: While UP has no objection, UP notes that Apple has proposed
 22 construing 11 terms despite the Court’s order limiting it to 10 terms.

23 _____
 24 ¹ Unwired Planet reserves all rights with respect to the claims in U.S. Patents Nos. RE43,113;
 25 7,233,790; 6,317,594; 7,522,927; and 7,020,685, as well as all rights in the claims not identified
 in the patents listed above.

26 Apple does not agree with Unwired Planet’s statements in this footnote, and reserves its right to
 27 respond to those statements if and when Unwired Planet attempts to assert claims beyond the ten
 claims listed above.

28 ² Claim 26 of the ’491 patent is a dependent claim of claim 21.

1 Apple's Statement: There are only 10 claim construction disputes because the only issue
2 to be addressed with respect to the terms "active preferences" and "stationary preferences" is with
3 respect to the word "preferences." Because the word "preferences" appears in both phrases, the
4 phrases have been listed separately. However, the construction of "preferences" is a single
5 dispute that should be briefed and addressed as such. To the extent the Court nevertheless
6 believes that "active preferences" and "stationary preferences" constitute two disputes and
7 therefore exceed the Court's limits, Apple is willing to agree to drop "active preferences" from
8 the list of disputed claim terms.

9 **C. Length Of Claim Construction Hearing**

10 Unwired Planet's Statement

11 Pursuant to Patent L.R. 4-3(d) and the Court's Standing Order, Unwired Planet states that
12 the no more than three hours will be required for the claim construction hearing scheduled on
13 May 14, 2014.

14 Apple's Statement

15 Pursuant to Patent L.R. 4-3(d), Apple states that at least 3.5 hours will be required for the
16 May 14, 2014 claim construction hearing as the parties will be addressing claim terms from five
17 unrelated patents that relate to five unrelated technologies.

18 **D. Witnesses**

19 Pursuant to Patent L.R. 4-3(e), the parties do not propose calling any witnesses at the
20 claim construction hearing, but reserve the right to submit the expert witness declarations
21 identified in Exhibit B in the claim construction briefing.

1 DATED: March 10, 2014

McKOOL SMITH HENNIGAN, P.C.

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4 By /s/ Courtland L. Reichman

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25 **ATTORNEYS FOR PLAINTIFF UNWIRED**
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ATTORNEYS FOR DEFENDANT APPLE INC.

Pursuant to L.R. 5-1(i)(3), the above-signatory attests that concurrence in the filing of this document has been obtained from the signatories below:

DATED: March 10, 2014

Respectfully submitted,

McKOOL SMITH HENNIGAN, P.C.

By: /s/ Courtland Reichman
COURTLAND REICHMAN
Attorney for Plaintiff Unwired Planet LLC



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on March 10, 2014 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system. Any other counsel of record will be served by electronic mail, facsimile, U.S. Mail and/or overnight delivery.

/s/ Courtland L. Reichman