UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC., Petitioner,

v.

PAPST LICENSING GMBH & CO., KG, Patent Owner.

> Case IPR2016-01839 Patent 6,470,399

PATENT OWNER PAPST LICENSING GMBH & CO., KG'S RESPONSE UNDER 37 C.F.R. § 42.120

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EXHIBIT LIST

Currently and Previously Filed – Patent Owner

Ex. No.	Description
2001	Defendants' Responsive Claim Construction Brief in Papst Licensing
	<i>GmbH</i> & Co., KG v. Apple, Inc. (6:15-CV-01095-RWS)
2002	Declaration of Thomas A. Gafford in Support of Patent Owner
	Response ("Gafford Declaration")
2003	Papst Licensing GmbH & Co., KG v. Apple Inc., Case No. 6-15-cv-
	01095 (E.D. Tex.), Claim Construction Memorandum and Order
	issued March 7, 2017
2004	Japanese Patent Application Publication H4-15853 to Kawaguchi et
	al. (English Translation) ("Kawaguchi")

<u>Previously Filed – Petitioner</u>

Ex. No.	Description
1001	U.S. Patent 6,470,399 to Tasler
1002	File History for U.S. Patent 6,470,399
1003	Declaration of Dr. Erez Zadok in Support of Petition for Inter Partes
	Review of U.S. Patent No. 6,470,399
1004	Curriculum Vitae of Dr. Erez Zadok
1005	Japanese Patent Application Publication H4-15853 to Kawaguchi et
	al. (English Translation) ("Kawaguchi")
1006	Japanese Patent Application Publication H4-15853 to Kawaguchi et
	al. (Original Japanese)
1007	The SCSI Bus and IDE Interface Protocols, Applications and
	Programming, by Schmidt, First Edition, Addison-Wesley, 1995
1008	U.S. Patent No. 5,506,692 to Murata
1009	U.S. Patent No. 4,727,512 to Birkner
1010	U.S. Patent No. 4,792,896 to Maclean
1011	International Publication Number WO 92/21224 to Jorgensen
1012	Small Computer System Interface-2 (SCSI-2), ANSI X3.131-1994,
	American National Standard for Information Systems (ANSI).

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1013	Operating System Concepts, by Silberschatz et al., Fourth Edition
1014	Microsoft Computer Dictionary, Third Edition, Microsoft Press, 1997
1015	McGraw-Hill Dictionary of Scientific and Technical Terms, Fifth
	Edition, McGraw-Hill, 1994
1016	In re Papst Licensing Digital Camera Patent Litigation, 778 F.3d
	1255 (Fed. Cir. 2015).
1017	The Art of Electronics, by Horowitz et al., First Edition, Cambridge
	University Press, 1980
1018	The IEEE Standard Dictionary of Electrical and Electronics Terms,
	Sixth Edition, 1996
1019	Webster's Encyclopedic Unabridged Dictionary of the English
	Language, Random House, 1996
1020	Papst Licensing GmbH & Co., KG v. Apple Inc., Case No. 6-15-cv-
	01095 (E.D. Tex.), Complaint filed November 30, 2015
1021	"Principles of Data Acquisition and Conversion," Burr-Brown
	Application Bulletin, 1994
1022	"Principles of Data Acquisition and Conversion," Intersil Application
	Note, October 1986
1023	"Sample-and-Hold Amplifiers," Analog Devices MT-090 Tutorial,
	2009
1024	Declaration of Scott Bennett
1025	Discrete-Time Signal Processing, by Oppenheim et al., First Edition,
	Prentice-Hall, 1989
1026-1030	Intentionally left blank
1031	Plug-and-Play SCSI Specification, Version 1.0, dated March 30, 1994
	("PNP SCSI")

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