

EXHIBIT E

Exhibit E-1

Invalidity Contentions for U.S. Patent No. 7,844,037

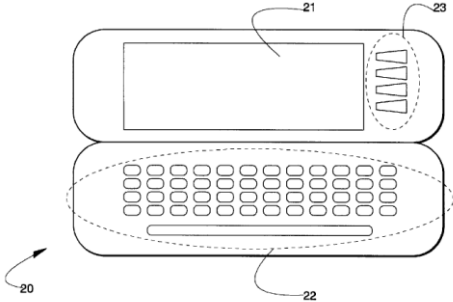
Based on: U.S. Patent No. 6,301,338 to Mäkaelä with U.S. Pub. No. 2004/0203956 to Tsampalis

Based on Qualcomm's apparent positions as to the scope of the patent's claims, as best they can be deciphered, the portions of the prior art references identified and charted below anticipate(s) or at least render(s) obvious the identified claims. The portions of the prior art references identified are not exhaustive but are exemplary in nature. Where Apple identifies a portion of the prior art reference's text, the portions identified shall be understood as referencing any corresponding figure or diagram, and vice versa.

This disclosure is not an admission that Apple concedes any claim construction implied or suggested by Qualcomm's positions as to the scope of the patent's claims, nor is it an admission by Apple that any of its products are covered by the patent's claims, particularly when they are properly construed and applied. Apple is not taking any claim construction position through this disclosure, including whether the preamble is a limitation.

It would have been obvious under 35 U.S.C. § 103 to a person having ordinary skill in the art at the time of the invention to combine the teachings of the following references:

1. U.S. Patent No. 6,301,338 to Mäkaelä ("Mäkaelä"). Mäkaelä qualifies as prior art under at least 35 U.S.C. (a)(2) and/or (g)(2). Mäkaelä was issued on October 9, 2001 from a U.S. application filed on January 7, 1997. Mäkaelä discloses a mobile wireless communication device permitting a user to send an SMS or other reply message in response to an incoming call where the user cannot answer the call. The message is sent using Caller Line Identity (CLI) information from the caller's incoming call.
2. U.S. Pub. No. 2004/0203956 to Tsampalis ("Tsampalis"). Tsampalis qualifies as prior art under at least 35 U.S.C. (a)(2) and/or (e). Tsampalis was published on October 14, 2004, based on an U.S. application filed on December 1, 2003. Tsampalis discloses a mobile wireless communication device that contains messaging format capabilities and associated circuitry, which is used to check the compatible message formats before sending a message and select a compatible message format prior to sending a message to another mobile wireless communication device.

'037 Patent – Claim 1	Mäkelä
<p>[1a] A method for operating a first computing device, the method being implemented by one or more processors of the computing device and comprising:</p>	<p>Mäkaelä discloses this claim limitation. For example, see [redacted] and/or figures, as well as all related disclosures:</p> <p>“In <i>a communication device</i> (20) comprising a message (7) (Message Service) a certain short message (7) or other response to an incoming call in a situation where the user (1) him/herself.” Abstract (emph. added).</p> <p>“[T]he communication device in accordance with the invention for controlling the operation. They are preferably implemented by processes that are stored to the memory means <i>included in the device in a form to be performed by the microprocessor operation.</i>” 8:22-27 (emph. added).</p> <p>“The invention is especially applicable to mobile communication digital cellular networks like GSM telephones.” 9:57-59.</p> <p>See also Fig. 3.</p>  <p style="text-align: right;">Fig. 3</p>
<p>[1b] receiving, from a second computing device, an incoming call to initiate a voice-exchange</p>	<p>Mäkaelä discloses this claim limitation. For example, see [redacted]</p>

'037 Patent – Claim 1

Mäkelä

session;

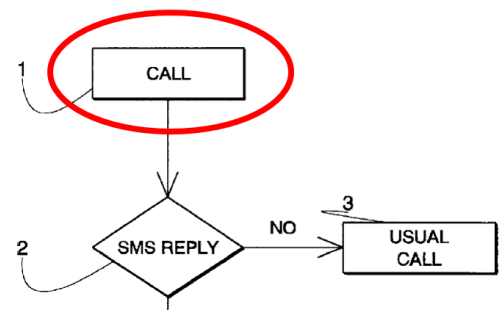
and/or figures, as well as all related disclosures:

Title: “Activation of a telephone’s own call answering equipment to answer the number of the calling party.”

“In a communication device (20) comprising a message function (Message Service) a certain short message (7) or other reply message is sent *in response to an incoming call* in a situation where the user has not answered him/herself.” Abstract (emph. added).

“The present mobile phones have, almost without exception, a function of which the receiving party, when the telephone rings, can call the number of the calling party connected to a digital exchange. It is preferable that the receiving party can still at that moment call the number of the calling party. A reply service will be applied to the calling party in question.”

“In FIG. 1 there is a flow diagram of a function according to one embodiment of the invention in a mobile communication system. The short message function. The operation starts from point 1 *call is noticed.*” 4:66-5:3 (emph. added).



Mäkelä, Detail of FIG. 1 (annotated).

'037 Patent – Claim 1	Mäkelä
	<p>“Even though it has been referred above to a calling party, the present invention is not limited to a calling party <i>in the sense meaning a normal telephone connection</i>. A reply function in accordance with the present invention is also applicable to other connections between such communication devices where a reply function is used for communication or other messaging function according to the invention as used.” 9:50-56 (emph. added).</p>
<p>[1c] in response to receiving the incoming call, determining a message identifier associated with the second computing device, wherein the message identifier is determined based at least in part on data provided with the incoming call;</p>	<p>Mäkelä discloses this claim limitation. For example, see point 1 and/or figures, as well as all related disclosures:</p> <p>“[T]he number identification of the calling party is used. This is known in the art and called ANI (Automatic Number Identification) or Caller Line Identity. In the solution proposed by the reference publication, the number of the calling party or a corresponding identity code is transmitted through the telephone network[.]” 1:56-62.</p> <p>“The objects of the invention will be achieved by accomplishing a call related calling number identification in the telephone network during the call[.]” 3:19-21.</p> <p>“[I]n response to the incoming call, <i>the communication device sends a reply to the caller on the basis of an identification information included in the incoming call</i> and sends a reply according to a selection menu.” 3:30-34 (emph. added).</p> <p>“When the service is switched on, the apparatus then checks whether a certain kind of an alarm procedure is applied to and in point 5 <i>if a caller (CLI, Caller Line Identity)</i> is available. The latter is sent as a short message.” 5:7-11 (emph. added).</p> <p>“The <i>identity code of the calling party read in point 5 can be used in various ways</i>. The user can e.g. program his/her device in advance</p>

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