

Exhibit D8 - Invalidity of '982 Patent in view of U.S. Patent Application No. 2008/0076489

U.S. Patent Application No. 2008/0076489 to Rosener (“Rosener”). Filed August 7, 2006, and published

Rosener qualifies as prior art to U.S. Patent No. 10,491,982 (“the '982 patent”) under at least pre-AIA 35 U.S.C. 102(b) and 103. Claims 1-20 of the '982 Patent are invalid as (a) obvious over Rosener itself or Rosener in view of the background knowledge of a person having ordinary skill in the art at the time the '982 Patent was invented; and (b) obvious over Rosener in view of the references listed in Appendix A, combined as set forth herein.

In addition to the disclosures listed below, Apple incorporates by reference the teachings and disclosures

Claim	U.S. Patent Application No. 2008/0076489 (“’082 Patent”)
<p>[1(a)] A system comprising:</p>	<p>Rosener discloses a system including a data source and wireless earphones.</p> <p>“The present invention relates to wireless systems. More particularly, the invention relates to wireless communication between a data source and two or more and separated wireless data sinks such as, for example, wireless earphones.”</p> <p>(Para. [0001])</p> <p>“FIG. 5 is an illustration of a user 500 wearing a wireless headset comprising earphones 502, 504, in accordance with an embodiment of the present invention. The first and second wireless earphones 502, 504 comprises a housing containing a speaker, a microphone, a transceiver and a battery. . . . As explained in detail below, the receiver of the first and second earphones 502, 504 is operable to communicate with one or more data devices (e.g., a cellular telephone, PDA, MP3 player, CD player, game console, etc.) over one or more wireless links.”</p> <p>(Para. [0030])</p>
<p>[1(b)] headphones comprising a</p>	<p>Rosener discloses a pair of separate (i.e., not physically connected) wireless</p>

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Claim	U.S. Patent Application No. 2008/0076489 (“’982 Patent”)
<p>pair of first and second wireless earphones to be worn simultaneously by a user, wherein the first and second earphones are separate such that when the headphones are worn by the user, the first and second earphones are not physically connected, wherein each of the first and second earphones comprises:</p>	<p>simultaneously:</p> <p>“Wireless systems having a plurality of physically and electrically-separated wireless data sinks having no physical connection therebetween. The first and second data sinks each include a wireless communication frequency (RF) receiver or transceiver configured to receive data signals over wireless links or over a multi-access wireless link. The first and second data sink embodiments may comprise audio data sinks, e.g., stereo speakers, left-ear and right-ear circum-aural headphones (e.g., earbuds or canalphones), left-ear and right-ear circum-aural headphones.”</p> <p>(ABSTRACT; see also para. [0011])</p> <p>“The present invention relates to wireless systems. More particularly, the invention relates to wireless communication between a data source and two or more and physically separated wireless data sinks such as, for example, wireless earphones.”</p> <p>(Para. [0001])</p>

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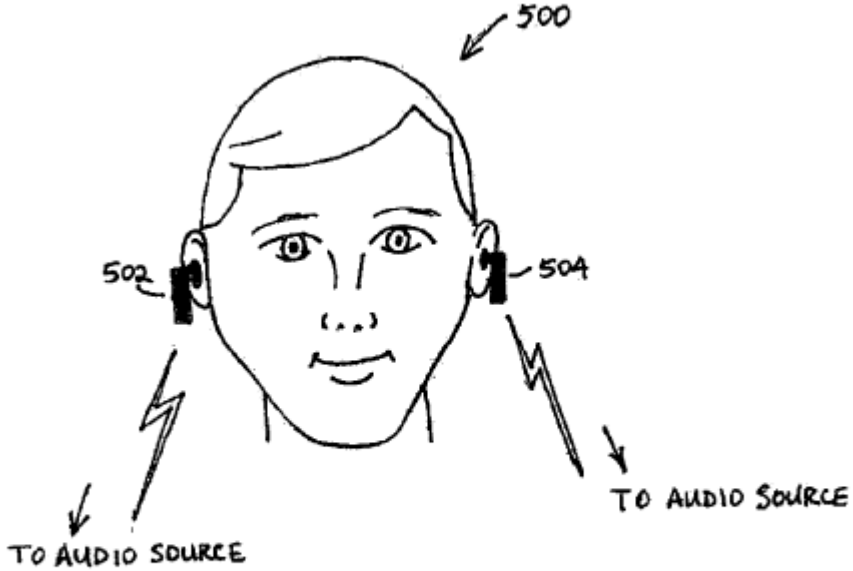
Claim	U.S. Patent Application No. 2008/0076489 ('982)
	 <p style="text-align: center;">FIGURE 5</p> <p>(Fig. 5)</p>
<p>[1(c)] a body portion that comprises:</p>	<p>Rosener discloses that each of the wireless earphones includes a portion, and from which an elongated portion extends:</p> <p>“Each of the first and second wireless earphones 502, 504 comprises a h</p>

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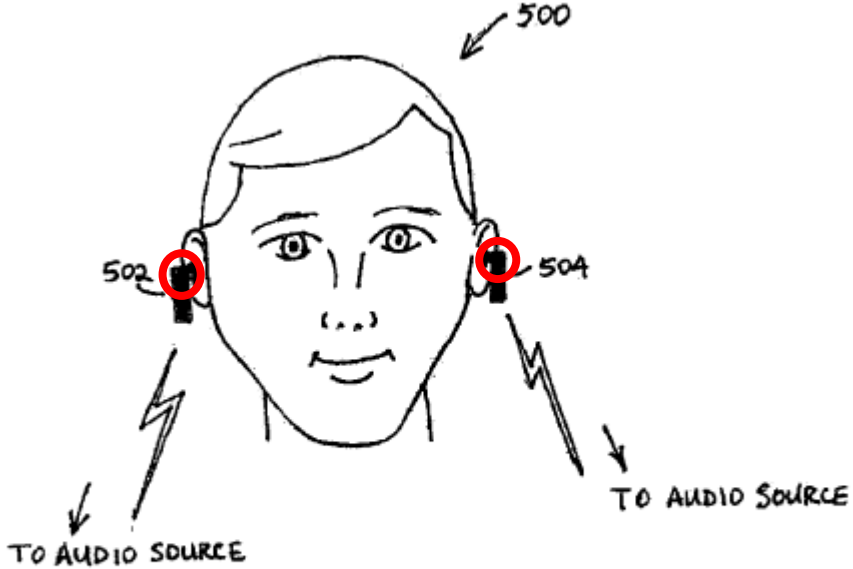
Claim	U.S. Patent Application No. 2008/0076489 (“’982 Patent”)
	<p data-bbox="691 789 1221 823">RF receiver or transceiver and a battery.”</p> <p data-bbox="691 863 873 896">(Para. [0030])</p>  <p data-bbox="1045 1671 1203 1705">FIGURE 5</p> <p data-bbox="691 1772 792 1806">(Fig. 5)</p>

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Claim	U.S. Patent Application No. 2008/0076489 (“’982 Patent”)
<p>[1(d)] a wireless communication circuit for receiving and transmitting wireless signals;</p>	<p>Rosener discloses that each of the wireless earphones includes a wireless receiving and transmitting wireless signals:</p> <p>“Wireless systems having a plurality of physically and electrically-separated wireless system includes first and second data sinks having no physical connection therebetween. <u>The first and second data sinks each include a wireless radio frequency (RF) receiver or transceiver configured to receive data over a single-access wireless link or over a multi-access wireless link.</u> The first and second data sinks may be coupled to the first and second data sources, respectively. Exemplary embodiments may comprise audio data sinks, e.g., stereo speakers, earphones (e.g., earbuds or canalphones), left-ear and right-ear circum-aural headphones, etc. <u>At least one of the first and second data sinks may also be coupled to an accompanying data source (e.g., a microphone or sensor), so as to provide two-way communications</u> between a user and an external data device (e.g., a cellular phone).”</p> <p>(ABSTRACT; see also para. [0011])</p> <p>“Each of the first and second wireless earphones 502, 504 comprises a housing 506, a <u>RF receiver or transceiver</u> and a battery.”</p> <p>(Para. [0030])</p> <p>“Whereas the wireless system 600 above has been described as comprising two RF receivers, in an alternative embodiment <u>RF transceivers containing both a transmitter and a receiver</u> may be used in place of each of the RF transmitters 610, 614 and the same alteration is also applicable to the other embodiments set forth in the</p>

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