

EXHIBIT B

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14 *Attorneys for Defendant Apple Inc.*

15 UNITED STATES DISTRICT COURT
 16 CENTRAL DISTRICT OF CALIFORNIA
 17 SOUTHERN DIVISION

18 ANCORA TECHNOLOGIES, INC.,

19 Plaintiff,

20 v.

21 APPLE INC.,

22 Defendant.

23 APPLE INC.,

24 Counterclaimant,

25 v.

26 ANCORA TECHNOLOGIES, INC.,

27 Counterdefendant.
28

Case No. 2:10-cv-10045-AG-MLG

**APPLE INC.'S N.D. CAL. PATENT
L.R. 3-3 DISCLOSURES**

1 Pursuant to the Court’s August 29, 2011 Order Re: Stipulated Trial Schedule
2 (D.I. 40), Apple Inc. hereby provides its N.D. Cal. Patent L.R. 3-3 Disclosures
3 (“Invalidity Contentions”) for U.S. Patent No. 6,411,941.

4 By providing these Invalidity Contentions, Apple does not waive any
5 applicable privilege or immunity, including the attorney-client privilege or work
6 product doctrine. Apple predicates the Invalidity Contentions, in part, on the claim
7 constructions suggested by Ancora’s September 14, 2011 Discovery Order
8 Disclosures and Disclosures Pursuant to Patent Rules 3-1 and 3-2 (“Infringement
9 Contentions”). Accordingly, these Invalidity Contentions should not be read as
10 representing or otherwise reflecting Apple’s final positions regarding the proper
11 interpretation of the claims. Ancora has asserted in its Infringement Contentions
12 that Apple’s iPhone, iPod Touch, iPad and Apple TV infringe Claims 1-3 and 5-17
13 of the ’941 patent (“Asserted Claims”). These Invalidity Contentions address only
14 the Asserted Claims.

15 Apple bases these Invalidity Contentions on information reasonably available
16 to it at this time. The significant deficiencies in Ancora’s Infringement Contentions
17 and other discovery responses have made it difficult for Apple to understand
18 Ancora’s infringement and claim construction positions, and those positions
19 necessarily inform Apple’s invalidity positions.¹ Apple’s investigation of Ancora’s
20 claims and the prior art is ongoing. Apple incorporates by reference the
21 Preliminary Invalidity Contentions of Microsoft and PC Company Defendants in
22 *Ancora Technologies, Inc. v. Toshiba Am. Info. Sys., Inc.*, No. 2:09-cv-00270-MJP
23 (W.D. Wash.), attached as Exhibit A. Apple reserves the right to supplement or
24 amend these Invalidity Contentions in the future, particularly in response to any
25 supplementation by Ancora of its infringement contentions to clarify its theories.

26 _____
27 ¹ See October 26, 2011 letter to Ancora’s counsel outlining deficiencies.
28

1 **A. Patent L.R. 3-3(a)**

2 Apple identifies prior art publications and patents that anticipate or render
3 obvious one or more of the limitations of the Asserted Claims in Table A below.

4

5 Author	Non-Patent Publication	Publication Date
6 White et al.	7 ABYSS: A Trusted Architecture for Software Protection, IEEE Transactions on Software Engineering, Vol. 16, No. 6, pp. 38-51 ("White 1990") (Ex. 1)	June 1990
8 Tygar et al.	9 Dyad: A System for Using Physically Secure Coprocessors, CMU-CS-94-140R, Carnegie Mellon University ("Tygar 1991") (Ex. 2)	May 4, 1991
10 Yee	11 Using Secure Coprocessors, Carnegie Mellon University, CMU-CS-94-149 ("Yee 1994") (Ex. 3)	May 1994
12 Clark et al.	13 BITS: A Smartcard Protected Operating System, Communications of the ACM, Vol. 37, No. 11, pp. 68-70; 94 ("Clark 1994") (Ex. 4)	Nov. 1994
14 Yee et al.	15 Secure Coprocessors in Electronic Commerce Applications, Proceedings of the 1st USENIX Workshop on Electronic Commerce, pp. 155-170 ("Yee 1995") (Ex. 5)	July 1995
17 Arbaugh et al.	18 A Secure and Reliable Bootstrap Architecture, Dept. of Comp. & Info. Sci. Tech. Reports, U. Penn. ("Arbaugh 1996") (Ex. 6)	1996
20 AMI et al.	21 Desktop Management BIOS Specification, Version 2.0 ("DMI BIOS Specification") (Ex. 7)	March 6, 1996
22 Arbaugh et al.	23 A Secure and Reliable Bootstrap Architecture, SP '97 Proceedings of the 1997 IEEE Symposium on Security and Privacy, pp. 66-71 ("Arbaugh 1997") (Ex. 8)	1997
24 Inventor	Patent Number	Issue Date
25 Hellman	U.S. 4,658,093 ("Hellman Patent") (Ex. 9)	Apr. 14, 1987
26 Joshi	U.S. 4,688,169 ("Joshi Patent") (Ex. 10)	Aug. 18, 1987
Allen et al.	U.S. 4,757,533 ("Allen Patent") (Ex. 11)	July 12, 1988
27 Karp	U.S. 4,866,769 ("Karp Patent") (Ex. 12)	Sep. 12, 1989
28 Waite	U.S. 5,103,476 ("Waite 476 Patent") (Ex. 13)	Apr. 7, 1992

1	Waite	U.S. 5,222,134 (“Waite 134 Patent”) (Ex. 14)	Jun. 22, 1993
2	Smyth	U.S. 5,325,430 (“Smyth Patent”) (Ex. 15)	June 28, 1994
3	Ewertz	U.S. 5,371,876 (“Ewertz Patent”) (Ex. 16)	Dec. 6, 1994
4	Davis	U.S. 5,473,692 (“Davis 692 Patent”) (Ex. 17)	Dec. 5, 1995
5	Richardson	U.S. 5,490,216 (“Richardson Patent”) (Ex. 18)	Feb. 6, 1996
6	Schull	U.S. 5,509,070 (“Schull Patent”) (Ex. 19)	Apr. 16, 1996
7	Morisawa et al.	U.S. 5,537,544 (“Morisawa Patent”) (Ex. 20)	July 16, 1996
8	Davis et al.	U.S. 5,568,552 (“Davis 552 Patent”) (Ex. 21)	Oct. 22, 1996
9	Christenson et al.	U.S. 5,579,522 (“Christenson Patent”) (Ex. 22)	Nov. 26, 1996
10	McCarty	U.S. 5,666,411 (“McCarty Patent”) (Ex. 23)	Sep. 9, 1997
11	Lewis	U.S. 5,734,819 (“Lewis Patent”) (Ex. 24)	Mar. 31, 1998
12	O’Connor et al.	U.S. 5,745,568 (“O’Connor Patent”) (Ex. 25)	Apr. 28, 1998
13	Davis	U.S. 5,844,986 (“Davis 986 Patent”) (Ex. 26)	Dec. 1, 1998
14	Clark	U.S. 5,892,902 (“Clark Patent”) (Ex. 27)	Apr. 6, 1999
15	Chou et al.	U.S. 5,892,906 (“Chou Patent”) (Ex. 28)	Apr. 6, 1999
16	Labatte et al.	U.S. 5,901,311 (“Labatte 311 Patent”) Ex. 29)	May 4, 1999
17	Labatte et al.	U.S. 5,913,057 (“Labatte 057 Patent”) (Ex. 30)	June 15, 1999
18	Griswold	U.S. 5,940,504 (“Grisworld Patent”) (Ex. 31)	
19	Beelitz	U.S. 5,944,820 (“Beelitz Patent”) (Ex. 32)	Aug. 31, 1999
20	Okada	U.S. 6,049,670 (“Okada Patent”) (Ex. 33)	
21	Osborn	U.S. 6,026,293 (“Osborn Patent”) (Ex. 34)	Feb. 15, 2000
22	Miller	U.S. 6,038,320 (“Miller Patent”) (Ex. 35)	Mar. 14, 2000
23	Mirov et al.	U.S. 6,138,236 (“Mirov Patent”) (Ex. 36)	Oct. 24, 2000
24	Fieres et al.	U.S. 6,148,083 (“Fieres Patent”) (Ex. 37)	Nov. 14, 2000
25	Schwartz et al.	U.S. 6,153,835 (“Schwartz Patent”) (Ex. 38)	Nov. 28, 2000
26	Arbaugh et al.	U.S. 6,185,678 (“Arbaugh Patent”) (Ex. 39)	Feb. 6, 2001
27	Misra et al.	U.S. 6,189,146 (“Misra Patent”) (Ex. 40)	Feb. 13, 2001
28	Saunders	U.S. 6,209,099 (“Saunders Patent”) (Ex. 41)	Mar. 27, 2001
	Pearce et al.	U.S. 6,243,468 (“Pearce Patent”) (Ex. 42)	Jun. 5, 2001
	Cotichini et al.	U.S. 6,269,392 (“Cotichini Patent”) (Ex. 43)	July 31, 2001

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