

EXHIBIT B

1 MICHAEL A. JACOBS (CA SBN 111664)
2 mjacobs@mofo.com
3 RICHARD S.J. HUNG (CA SBN 197425)
4 rhung@mofo.com
5 FRANCIS C. HO (CA SBN 247426)
6 fho@mofo.com
7 ERIC W. OW (CA SBN 252921)
8 eow@mofo.com
9 MORRISON & FOERSTER, LLP
10 425 Market Street
11 San Francisco, CA 94105-2482
12 Telephone: (415) 268-7000
13 Facsimile: (415) 268-7522

14 BITA RAHEBI (CA SBN 209351)
15 brahebi@mofo.com
16 MORRISON & FOERSTER LLP
17 555 West Fifth Street, Suite 3500
18 Los Angeles, CA 90013-1024
19 Telephone: (213) 892-5200
20 Facsimile: (213) 892-5454

21 *Attorneys for Defendant Apple Inc.*

22 UNITED STATES DISTRICT COURT
23 CENTRAL DISTRICT OF CALIFORNIA
24 SOUTHERN DIVISION

25 ANCORA TECHNOLOGIES, INC.,

26 Plaintiff,

27 v.

28 APPLE INC.,

Defendant.

APPLE INC.,

Counterclaimant,

v.

ANCORA TECHNOLOGIES, INC.,

Counterdefendant.

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

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

sf-3054790

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.	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
7 Tygar et al.	Dyad: A System for Using Physically Secure Coprocessors, CMU-CS-94-140R, Carnegie Mellon University ("Tygar 1991") (Ex. 2)	May 4, 1991
8 Yee	Using Secure Coprocessors, Carnegie Mellon University, CMU-CS-94-149 ("Yee 1994") (Ex. 3)	May 1994
9 Clark et al.	BITS: A Smartcard Protected Operating System, Communications of the ACM, Vol. 37, No. 11, pp. 68-70; 94 ("Clark 1994") (Ex. 4)	Nov. 1994
10 Yee et al.	Secure Coprocessors in Electronic Commerce Applications, Proceedings of the 1st USENIX Workshop on Electronic Commerce, pp. 155-170 ("Yee 1995") (Ex. 5)	July 1995
11 Arbaugh et al.	A Secure and Reliable Bootstrap Architecture, Dept. of Comp. & Info. Sci. Tech. Reports, U. Penn. ("Arbaugh 1996") (Ex. 6)	1996
12 AMI et al.	Desktop Management BIOS Specification, Version 2.0 ("DMI BIOS Specification") (Ex. 7)	March 6, 1996
13 Arbaugh et al.	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
14 Inventor	Patent Number	Issue Date
15 Hellman	U.S. 4,658,093 ("Hellman Patent") (Ex. 9)	Apr. 14, 1987
16 Joshi	U.S. 4,688,169 ("Joshi Patent") (Ex. 10)	Aug. 18, 1987
17 Allen et al.	U.S. 4,757,533 ("Allen Patent") (Ex. 11)	July 12, 1988
18 Karp	U.S. 4,866,769 ("Karp Patent") (Ex. 12)	Sep. 12, 1989
19 Waite	U.S. 5,103,476 ("Waite 476 Patent") (Ex. 13)	Apr. 7, 1992

20
21
22
23
24
25
26
27
28

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
21	Miller	U.S. 6,038,320 (“Miller Patent”) (Ex. 35)	Mar. 14, 2000
22	Mirov et al.	U.S. 6,138,236 (“Mirov Patent”) (Ex. 36)	Oct. 24, 2000
22	Fieres et al.	U.S. 6,148,083 (“Fieres Patent”) (Ex. 37)	Nov. 14, 2000
23	Schwartz et al.	U.S. 6,153,835 (“Schwartz Patent”) (Ex. 38)	Nov. 28, 2000
24	Arbaugh et al.	U.S. 6,185,678 (“Arbaugh Patent”) (Ex. 39)	Feb. 6, 2001
25	Misra et al.	U.S. 6,189,146 (“Misra Patent”) (Ex. 40)	Feb. 13, 2001
26	Saunders	U.S. 6,209,099 (“Saunders Patent”) (Ex. 41)	Mar. 27, 2001
27	Pearce et al.	U.S. 6,243,468 (“Pearce Patent”) (Ex. 42)	Jun. 5, 2001
28	Cotichini et al.	U.S. 6,269,392 (“Cotichini Patent”) (Ex. 43)	July 31, 2001

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.