

Exhibit D6 - Invalidity of '982 Patent in view of U.S. Patent Application No. 2008/0166001

U.S. Patent Application No. 2008/0166001 to Hankey (“Hankey”). Filed June 28, 2007, and published July 10, 2008.

Hankey 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) because the earliest effective filing date of each of the claims of the '982 patent is not earlier than July 10, 2008. In part, the '982 patent includes at least one element that is not supported by a disclosure filed before July 10, 2008. Further, the filing dates of the claims of the '982 patent is described in Appendix A. Claims 1–20 of the '982 Patent are invalid under 35 U.S.C. § 103(a) as obvious over Hankey in view of the background knowledge and ordinary creativity of a person having ordinary skill in the art at the time the Patent was invented; and (b) obvious over Hankey in view of one or more of the references listed in Appendix A.

In addition to the disclosures listed below, Apple incorporates by reference the teachings and disclosures of the following U.S. Patent Applications:

Claim	U.S. Patent Application No. 2008/0166001 (“'001”)
[1(a)] A system comprising:	<p>Hankey discloses a system including a wireless headset and a portable device.</p> <p>“Headsets may communicate with the host device via a wired and/or wireless connection. Such connections may for example occur through a cable/connector arrangement. Such connections on the other hand can occur through the air (no physical connection is needed). The type of connection may be widely varied. Wired protocols may for example be based on Universal Serial Bus (USB) interfaces, Firewire interfaces, conventional serial interfaces, parallel interfaces, etc. Wireless protocols may, for example, be based on short range transmissions of voice data. Such protocols may further be used to create personal area networks between two devices, such as a cellular phone. Some examples of wireless protocols that may be used are Bluetooth, Home RF, IEEE 802.11, IrDA, Wireless USB, and the like. The communication may be embodied as a system on a chip (SOC).”</p> <p>(Para. [0103])</p> <p>“Also, while some embodiments of the present invention can include headset communication with a cellular phone and/or personal media device (PMD), other embodiments can include headset communication with a cellular phone and/or personal media device (PMD).”</p>

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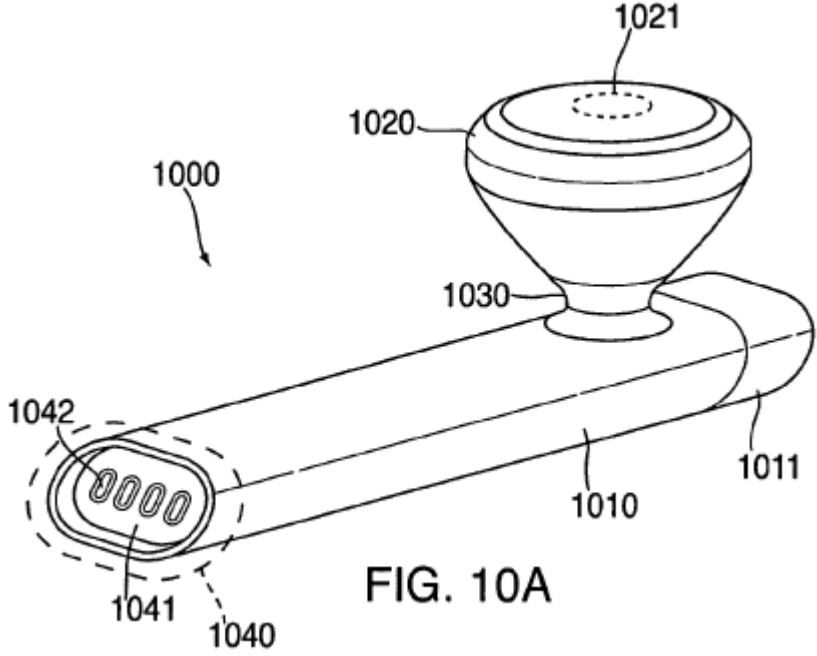
Claim	U.S. Patent Application No. 2008/0166001 ('16001)
	<p>similar to that sold under the trademark ipod® by Apple Inc. of Cupertino, Calif. The present invention can also be incorporated into headsets configured for use with an electronic device.”</p> <p>(Para. [0329])</p>  <p>FIG. 10A</p> <p>(Para. 10A)</p>

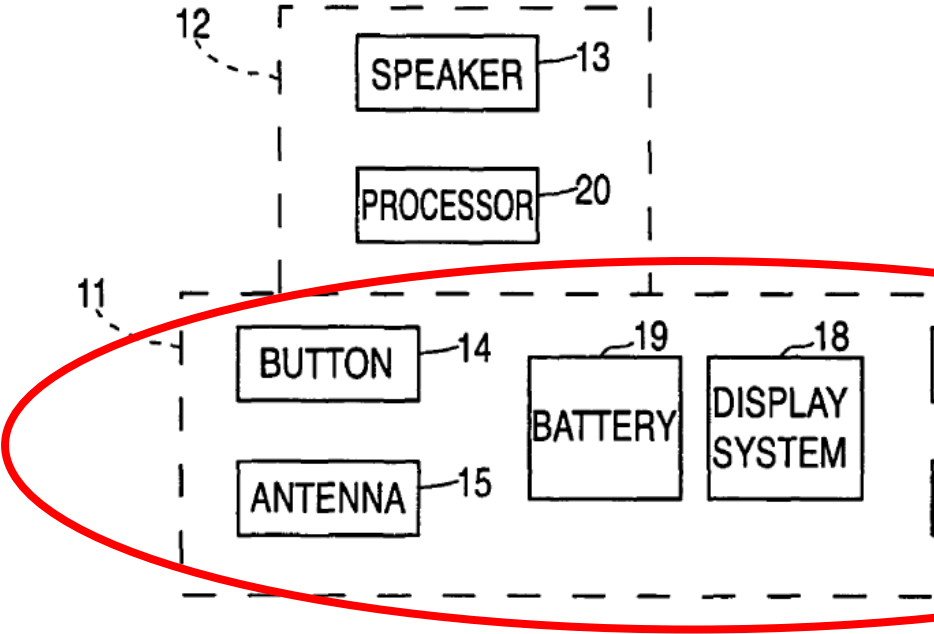
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Claim	U.S. Patent Application No. 2008/0166001 ('982 Patent)
<p>[1(b)] headphones comprising a pair of first and second wireless earphones to be worn simultaneously by a user, wherein the first and second earphones are separate such that when the headphones 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>Hankey discloses a wireless headset that may include speakers for both ears.</p> <p>“The present invention relates to headsets and methods for manufacturing communication devices that are worn on a user's head in order to allow hands-free communication with a host device such as a computer, phone handset, cell phone, or the like. Headsets can include one or more speakers (in proximity to the user's ears) and/or one or more microphones for audio input.”</p> <p>(Para. [0091])</p> <p>To the extent Hankey does not expressly disclose two identical, separate wireless earphones, it would have been obvious to a person of ordinary skill in the art to provide two separate wireless earphones given the disclosures of Hankey in view of the teachings of Chiloyan. Additional information regarding such combinations, and motivation therefor, is set forth in Appendix A, which is incorporated by reference herein.</p>
<p>[1(c)] a body portion that comprises:</p>	<p>Hankey discloses a wireless headset that includes a primary housing, with an earbud member extending therefrom from which an elongated portion extends:</p> <p>“According to one aspect of the invention, the headset can be embodied as a primary housing and an earbud member extending therefrom. The earbud member can be formed to or integrally formed with the primary housing. Various components can be provided within the confines of the earbud member and the primary housing. In fact, more components depending on the needs of the device. The components can be widely varied. Examples of operational components can include speakers, microphones, connectors, buttons, displays, indicators, battery, and associated processing circuitry. Generally, the earbud member includes at least a speaker while the primary housing includes at least a microphone.</p>

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	<p>microphone (although this is not a requirement). Depending on their size, additional components of the headset. In one embodiment, the primary interface button, indicator or display (e.g., LEDs), battery, microphone, accompanying circuitry while a speaker, a processor, and its accompanying earbud. The button can be located on one end of the main housing. A user can perform various functions (e.g., terminating calls).”</p> <p>(Para. [0093])</p> <p>“FIG. 1 is a simplified block diagram of headset 10 in accordance with the present invention. Headset 10 can be configured to be a small compact unit in the form of an earbud to be placed in the ear. The headset can include a primary housing 11 and the primary housing. Earbud 12 can fit into an ear thereby placing the primary housing 11 in the ear. Each of these members can surround and protect various internal components and various external components associated with operating the headset. The primary housing 11 may include electrical components that provide specific functions for the electronic device. The primary housing 11 may generally be associated with generating, receiving, and/or transmitting signals to the device.”</p> <p>(Para. [0107])</p>

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	<p style="text-align: right;"><u>10</u></p>  <p style="text-align: center;">FIG. 1</p> <p>(Fig. 1)</p>

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