

Exhibit 10  
(Submitted Under Seal)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

vs.

SAMSUNG ELECTRONICS CO., LTD., a  
Korean business entity; SAMSUNG  
ELECTRONICS AMERICA, INC., a New  
York corporation; SAMSUNG  
TELECOMMUNICATIONS AMERICA,  
LLC, a Delaware limited liability company,

Defendants.

CASE NO. 11-cv-01846-LHK

**REBUTTAL EXPERT REPORT OF STEPHEN GRAY  
REGARDING NON-INFRINGEMENT OF ASSERTED CLAIMS OF U.S. PATENT NOS.  
7,844,915 AND 7,864,163**

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[REDACTED]

45. For at least reason, the Accused Products do not infringe any of the asserted claims of the '915 Patent.

**2. It Is My Understanding That The Singh Report Opinions Regarding Indirect Infringement Were Not Properly Disclosed In Apple's Infringement Contentions.**

46. The opinions of the Singh Report rely on an indirect theory of infringement with respect to the method claims of the '915 Patent. The opinion, as stated by the Singh report, is that "the Samsung defendants have indirectly infringed the method claims of the '915 Patent." Singh Report at ¶ 304. However, it is my understanding that Apple's P.L.R. 3-1 infringement contentions did not previously disclose that it would be relying on this type of infringement theory with regard to the '915 Patent. The





1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6       74.     For at least these reasons, the Accused Products do not infringe Claim 1 of the '915  
7 Patent, either literally or under the doctrine of equivalents.

8                     [REDACTED]

9                             [REDACTED]

10            [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14            [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21            [REDACTED]

22 [REDACTED]

23            [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

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4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 82. For at least these reasons, the Accused Products do not infringe Claim 1 of the '915  
17 Patent either literally or under the doctrine of equivalents.

18 (c) **Additional Comments**

19 83. The Singh Report also relies on Ioi Lam's deposition testimony stating that Android has  
20 "event objects." Singh Report ¶ 325. I note that this statement and citation is nearly meaningless, as all  
21 event-driven GUI systems have event objects, or similar message-passing models.

22 **5. '915 Patent, Claim 1[d]**

23 84. Claim 1[d] recites:

24 *issuing at least one scroll or gesture call based on invoking the scroll or*  
25 *gesture operation;*

26 85. As discussed above, systems that do not issue one or more scroll or gesture calls from the  
27 event object created in response to user input in the form of "one or more input points" do not infringe

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**SUBJECT TO PROTECTIVE ORDER  
CONTAINS HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY INFORMATION**

1 Dated: April 16, 2012

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By   
Stephen Gray

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