

# EXHIBIT 8

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

**EXPERT REPORT OF STEPHEN GRAY  
REGARDING INVALIDITY OF U.S. PATENT NOS. 7,844,915 AND 7,864,163**

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

1 time. PDAs will get more power and smaller size and accommodate more, and  
2 more versatile functionalities.

3 Bandwidth and display size are believed to be the factors that limit the  
4 usability and practicality of the handheld device, be it a mobile phone, a palmtop  
5 or a hybrid. In particular, the GUI and the services accessible to such handhelds  
6 are critical factors for the consumers' acceptability of such services.

7 Van Ee US 2002/0030699 A1 at [0005-0006].

8 **2. Touch Screen Displays**

9 273. As discussed in Section III.A.2 multi-touch display technology was well known by  
10 persons of ordinary skill in the art in 2006. The term "touch screen display" was commonly used  
11 to refer to displays incorporating the well-known technologies for sensing the direct touch of a  
12 user through resistive, optical and acoustic technologies.

13 **3. Structured Electronic Documents**

14 274. At the time of the '163 Patent, persons skilled in the art would have been familiar  
15 with structured electronic documents and their various applications. As understood by those in the  
16 art, a "structured electronic document" refers to any type of two dimensional information space  
17 containing embedded coding that provides some meaning or "structure" to the document. The  
18 coding is embedded within the content of the document and specifies how elements or objects are  
19 to be arranged within the information space and relative to one another. Thus, the comingling of  
20 data providing *structure* and data providing *content* in the code of the document is a distinguishing  
21 feature of a structured electronic document.

22 275. Two common markup languages known to persons skilled in the art at the time of  
23 filing the '163 Patent were Hypertext Markup Language ("HTML") and Extensible Markup  
24 Language ("XML"). HTML was and is the most common form of markup languages for the web  
25 pages that comprise the World Wide Web. An HTML document consists of "tags" that are  
26 embedded in, and surround, the content that is to be displayed. These tags provide the author's  
27 intent as to how the elements are to be displayed and arranged on the HTML document presented  
28 to a user through a standard web browser. The browser interprets these HTML tags and renders  
the document on the two dimensional display surface accordingly.

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1           421.     Just as the term "substantially centered" fails to reasonably apprise a person of  
2 ordinary skill as to the scope of claim 2, so too does the term "substantially the same" fail to  
3 reasonably apprise a person of ordinary skill as to the scope of claim 18.

4                           **(c)   Means-plus-function Claim (Claim 50 and 52)**

5           422.     It is my opinion that the specification of the '163 Patent lacks corresponding  
6 structure to adequately identify the scope of claims 50 and 52 with the requisite specificity.

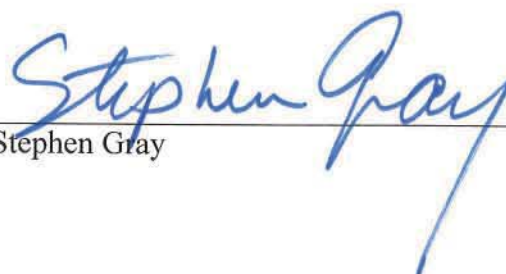
7           423.     I have reviewed Apple's P.L.R 4-2 disclosures in this case, and I am aware that  
8 Apple's position on the means-plus-function elements is that they are limited to "one or more  
9 special or general purpose processors programmed with special-purpose software to execute an  
10 algorithm."

11          424.     It is my opinion that one of ordinary skill in the art would not understand this  
12 proposed construction to disclose a structure. Apple has not identified the particular algorithm  
13 used to perform the claimed functions, one of ordinary skill in the art could identify the  
14 corresponding algorithms from reading the Patent specification. It is my opinion that claims 50  
15 and 52 are therefore invalid for indefiniteness.

16   **V.   CONCLUSION**

17          For the foregoing reasons, it is my opinion that every asserted claim in both the '915 Patent  
18 and the '163 Patent are invalid.

19  
20  
21 Dated: March 22, 2012

22  
23  
24 By   
25       Stephen Gray