

# Exhibit 7

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

APPLE INC., a California corporation,  
  
Plaintiff,  
  
v.  
  
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 PETER W. BRESSLER,  
FIDSA**

**\*\*CONFIDENTIAL – CONTAINS MATERIAL DESIGNATED AS HIGHLY  
CONFIDENTIAL – ATTORNEYS’ EYES ONLY PURSUANT TO A PROTECTIVE  
ORDER\*\***

1           67.     The D'677 patent is further distinguished from the JP'638 Patent based on  
2 additional differences, including the smaller speaker slot depicted in the JP'638 Patent, which is  
3 narrower relative to the overall design than the speaker slot depicted in the D'677 patent, and the  
4 relative narrowness of the front face of the JP'638 design as compared to the D'677 design.  
5 Mr. Sherman concedes these differences. (Sherman Report at 7.)

6           68.     As a result of Mr. Sherman's erroneous analysis, key differences between the  
7 JP'638 design's front surface and the corresponding portions of the D'677 patent were ignored:  
8 (1) the JP'638 design's significant camber; (2) its lack of a continuous front surface covered  
9 entirely by a single piece of material; (2) its lack of edge-to-edge transparency across the front  
10 surface; and (4) its lack of a black color designation. These differences would be readily noticed  
11 by the ordinary observer and given significant weight in a visual comparison. Based on the  
12 contrast in overall visual impressions, it is my opinion that an ordinary observer would not find  
13 the D'677 design to be substantially the same as the JP'638 design.<sup>6</sup>

14           69.     **JP'221 Patent.** I also disagree with Mr. Sherman that the JP'221 patent  
15 anticipates the D'677 design. In particular, there's no indication in the JP'221 reference that  
16 there is a continuous and transparent surface covering the entire front face of the device. Rather,  
17 JP'221 shows an opaque black border around a matte gray screen. Moreover, despite  
18 Mr. Sherman's assertion otherwise (Sherman Report at 34), there is no indication that any kind of  
19 transparent surface stretches over the gray display area. Accordingly, the JP'221 Patent does not  
20 disclose a continuous transparent front surface that extends over the entire front face of the  
21 device.

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25           <sup>6</sup> Mr. Sherman's analysis also refers to the Sharp 825SH product as the implementation of the  
26 JP'638 design. I am informed, however, that the Sharp 825SH product was not announced and released  
27 until 2008, after the D'677 patent had been filed in 2007 and is not prior art. Moreover, I find that there  
28 are significant differences between the JP'638 design and the Sharp 825SH phone that make it clear that  
the latter is not an accurate representation of the JP'638 design. Most significantly, the Sharp phone has  
much less camber to its front surface when compared to the JP'638 design, and the Sharp phone appears to  
use a black-colored transparent front surface, which is not indicated in the JP'638 design.

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**V. SUPPLEMENTATION**

426. I reserve the right to supplement this report with new information and/or documents that may be discovered or produced in this case, or to address any new arguments offered by Samsung.

Dated: April 16, 2012

  
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Peter W. Bressler