

Exhibit 39

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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

**EXPERT REPORT OF RAVIN
BALAKRISHNAN, PH.D.
REGARDING INFRINGEMENT
OF U.S. PATENT NO. 7,469,381**

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

1 claims or, put otherwise, is not a staple article of commerce that has substantial non-infringing
2 uses.

3 **V. DETAILED OPINION REGARDING THE ’381 PATENT**

4 36. I understand that in this lawsuit, Apple has accused Samsung of infringing the
5 ’381 patent. In particular, Apple alleges that Samsung infringes claims 1-11 and 13-20 of the
6 ’381 patent (collectively, the “Asserted Claims”).

7 37. Specifically, I understand Apple has alleged that certain products that are made,
8 manufactured, produced, or sold by Samsung infringe the ’381 patent, including at least the
9 Captivate; Continuum; Droid Charge; Epic 4G; Exhibit 4G; Fascinate; Galaxy Ace; Galaxy
10 Prevail; Galaxy S (i9000); Galaxy S II (i9100, AT&T, and Epic 4G Touch variants); Galaxy S
11 4G; Galaxy S Showcase (i500); Galaxy Tab 7.0; Galaxy Tab 10.1; Gravity Smart; Gem; Indulge;
12 Infuse 4G; Intercept; Mesmerize; Nexus S; Nexus S 4G; Replenish; Sidekick; and Vibrant. I will
13 refer to these products individually by their names, or in the following collective forms:

- 14 • “Accused Products (Gallery)” mean the Captivate; Continuum; Droid Charge; Epic
15 4G; Exhibit 4G; Fascinate; Galaxy Ace; Galaxy Prevail; Galaxy S (i9000); Galaxy S II
16 (i9100, AT&T, and Epic 4G Touch variants); Galaxy S 4G; Galaxy S Showcase;
17 Galaxy Tab 7.0; Galaxy Tab 10.1; Gravity Smart; Indulge; Infuse 4G; Mesmerize;
18 Nexus S; Nexus S 4G; Replenish; Sidekick; and Vibrant.
- 19 • “Accused Products (Contacts)” mean the Captivate; Continuum; Droid Charge; Epic
20 4G; Exhibit 4G; Fascinate; Galaxy Ace; Galaxy S (i9000); Galaxy S II (i9100, AT&T,
21 and Epic 4G Touch variants); Galaxy S 4G; Galaxy S Showcase (i500); Gem; Gravity
22 Smart; Indulge; Infuse 4G; Mesmerize; Sidekick; and Vibrant.
- 23 • “Accused Products (Browser)” mean the Exhibit 4G; Galaxy Ace; Galaxy S II (i9100,
24 AT&T, and Epic 4G Touch variants); Galaxy Tab 7.0; Galaxy Tab 10.1; and Gravity
25 Smart.
- 26 • “Accused Products (ThinkFree Office)” mean the Continuum, Droid Charge, Epic 4G,
27 Exhibit 4G, Fascinate, Galaxy Ace, Galaxy Prevail, Galaxy S (i9000), Galaxy S 4G,
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1 Galaxy S Showcase, Galaxy Tab 7.0, Indulge, Intercept, Mesmerize, Replenish, and
2 Sidekick.

3 38. I understand that other Samsung products contain similar features and functions,
4 and therefore also infringe the '381 patent.

5 39. If I am called as an expert witness, I expect to testify regarding general
6 background and technical matters relating to the subject matter of the '381 patent and its claims,
7 including the operation of graphical user interfaces. I further expect to testify regarding matters
8 pertaining to Samsung's infringement of the '381 patent. I have been asked to analyze the '381
9 patent and the Samsung devices and provide technical teaching and opinions regarding that
10 patent.

11 40. The explanation of my opinion regarding infringement of the Asserted Claims of
12 the '381 patent includes (1) the claim chart attached hereto as Exhibit 3, and (2) the videos on the
13 produced herewith as Exhibits V1-V9, which are an integral part of my report, and which provide
14 documentary and demonstrative proof of infringement of each of the Asserted Claims. (Exhibit
15 V1 – Captivate gallery video; Exhibit V2 – Captivate contacts list video; Exhibit V3 – Vibrant
16 gallery video; Exhibit V4 – Vibrant contacts list video; Exhibit V5 – Exhibit 4G phone gallery
17 video; Exhibit V6 – Exhibit 4G phone contacts list video; Exhibit V7 – Exhibit 4G phone
18 ThinkFree Office video; Exhibit V8 – Galaxy Tab 10.1 gallery video; Exhibit V9 – Galaxy Tab
19 10.1 web browser video.) These exhibits are intended to be exemplary and not exhaustive. The
20 discussion below concerning infringement is meant to be read together with the material in
21 Exhibits 3 and V1-V9. I also incorporate by reference my declaration in support of Apple's
22 Motion for a Preliminary Injunction (Dkt. No. 91), as well as the exhibits thereto.

23 41. It is my opinion that the Samsung devices infringe the asserted apparatus claims of
24 the '381 patent, and that any user operating the Samsung devices for their intended purpose,
25 including to view electronic documents, would infringe the method claims.

26 **A. The '381 Patent**

27 42. U.S. Patent no. 7,469,381 C1 is titled List Scrolling and Document Translation,
28 Scaling and Rotation on a Touch-Screen Display. The filing date of the patent application

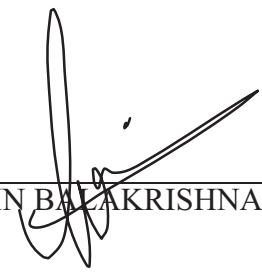
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AA. Supplementation

267. 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 claim constructions offered by Samsung or ordered by the Court.

268. In connection with my anticipated testimony in this action, I may use as exhibits various documents produced in this case that refer or relate to the matters discussed in this report. In addition, I may have demonstrative exhibits prepared to assist in the presentation of my testimony and opinions as set forth or cited in my report.

Dated: March 22, 2012



RAVIN BALAKRISHNAN