

Exhibit 8  
(Submitted Under Seal)

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

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14 INC. and SAMSUNG  
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15

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION  
18

19 APPLE INC., a California corporation,  
20 Plaintiff,  
21 vs.  
22 SAMSUNG ELECTRONICS CO., LTD., a  
Korean business entity; SAMSUNG  
23 ELECTRONICS AMERICA, INC., a New  
York corporation; SAMSUNG  
24 TELECOMMUNICATIONS AMERICA,  
LLC, a Delaware limited liability company,  
25 Defendant.  
26

CASE NO. 11-cv-01846-LHK

**SAMSUNG’S SECOND SUPPLEMENTAL  
OBJECTIONS AND RESPONSES TO  
APPLE INC.’S SECOND SET OF  
INTERROGATORIES (No. 2)**

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UNDER THE PROTECTIVE ORDER**

**INTERROGATORIES**

**INTERROGATORY NO. 2:**

For each of the Asserted Claims, set forth in detail Samsung’s bases for asserting the defense of non-infringement, including a claim chart indicating whether each element of the claim is present or absent in each of the Products at Issue and, if Samsung contends that an element is absent, the detailed basis for that contention.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

Samsung objects to this interrogatory as vague and ambiguous. Samsung further objects to this interrogatory to the extent that it seeks to elicit information subject to and protected by the attorney-client privilege, the attorney work-product doctrine, the joint defense privilege, the common interest doctrine, and/or any other applicable privilege or immunity. Samsung objects to Apple’s definition of “Products at Issue” as overly broad, vague, and ambiguous insofar as it includes the undefined categories of “any similar products” and “any products that Apple accuses of infringing its intellectual property in this litigation.” Samsung further objects to this interrogatory as vague since Apple has failed to provide a detailed explanation in its Disclosure of Asserted Claims and Infringement Contentions of the bases for its claims that Samsung allegedly infringes the Asserted Claims. Furthermore, Samsung is presently unable to provide more detailed non-infringement positions because Apple has not served its expert reports identifying how Samsung’s products allegedly infringe Apple’s asserted patents. Samsung further objects to this interrogatory to the extent it prematurely calls for contentions at this stage of litigation. Samsung will provide such contentions in accordance with the Court’s Minute Order and Case Management Order, dated August 25, 2011.

Subject to the foregoing general and specific objections, and without waiver of Samsung’s rights to seek relief from the Court based on any of the foregoing objections, Samsung responds as follows:

**U.S. Patent No. 7,812,828 (“the ‘828 patent”)**

Samsung has not directly infringed, induced infringement of, or contributed to infringement of the ‘828 Patent. Apple’s infringement contentions fail to demonstrate direct or

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1 Products are capable of substantial noninfringing uses, whether the Accused Products were  
2 especially made or especially adapted for infringing use, and how others have supposedly directly  
3 infringed the ‘381 patent.

4         The Accused Products do not practice claims 1-20, either literally or under the doctrine of  
5 equivalents, for at least the following reasons. Apple has not shown or provided any evidence  
6 demonstrating that any Accused Product (i) translates the electronic document in the first direction  
7 while the object is still detected on or near the touch screen display and an edge of the electronic  
8 document is reached while translating the electronic document in the same first direction; (ii)  
9 display an area beyond the edge of the electronic document; (iii) the second direction is opposite  
10 the first direction; (iv) translating in the first direction is in accordance with a simulation of an  
11 equation of motion having friction; (v) translating the document in the second direction is a  
12 damped motion; (vi) the second associated translating speed is slower than the first associated  
13 translating speed, where the first associated translating speed corresponds to a speed of movement  
14 of the object prior to reaching the edge and displaying an area beyond the edge of the electronic  
15 document comprises translating the electronic document in the first direction for a second  
16 associated translating speed; and (vii) contains instructions required by claims 19 and 20.

17         Furthermore, Apple has not provided evidence that the Accused Products meet the  
18 limitations of the ‘381 patent claims under the interpretation of those claims in J. Koh’s December  
19 2, 2011 order on Apple’s Motion for Preliminary Injunction.

20         Samsung also incorporates by reference the Declaration of Jeffrey Johnson in Support of  
21 Samsung’s Opposition to Apple’s Motion for a Preliminary Injunction (Dkt. No. 174) and  
22 Samsung’s Opposition to Apple’s Motion for a Preliminary Injunction (Dkt. No. 181a).

23         **U.S. Patent No. 7,844,915 (“the ‘915 patent”)**

24         Samsung has not directly infringed, induced infringement of, or contributed to  
25 infringement of the ‘915 patent. Apple’s infringement contentions fail to demonstrate direct or  
26 indirect infringement of the ‘915 patent by Samsung. Apple’s contentions also fail to allege any  
27 facts to support its allegations of indirect infringement, including with respect to the critical issues  
28 of whether Samsung intended to induce others to infringe the ‘915 patent, whether the Accused

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1 Products are capable of substantial noninfringing uses, whether the Accused Products were  
2 especially made or especially adapted for infringing use, and how others have supposedly directly  
3 infringed the ‘915 patent. The Accused Products do not practice claims 1 through 21, either  
4 literally or under the doctrine of equivalents, for at least the following reasons. Apple has not  
5 shown or provided any evidence demonstrating that any Accused Product practices the following  
6 limitations:

7 “determining whether the event object invokes a scroll or gesture operation,” as “event  
8 objects” are incapable of invoking operations.

9 “distinguishing between a single input point applied to the touch-sensitive display that is  
10 interpreted as the scroll operation and two or more input points applied to the touch-sensitive  
11 display that are interpreted as the gesture operation;” The Accused Products do not distinguish  
12 “between a single input point . . . that is interpreted as the scroll operation and two or more input  
13 points . . . that are interpreted as the gesture operation.” The ‘915 specification conflates the  
14 definitions of scroll operations and gesture operations, rendering all the claims indefinite and  
15 therefore non-infringed.

16 “responding to at least one scroll call, if issued, by scrolling a window having a view  
17 associated with the event object based on an amount of a scroll with the scroll stopped at a  
18 predetermined position in relation to the user input;” The Accused Products do not meet this  
19 claim limitation under Samsung’s proposed construction of the disputed claim term “scrolling a  
20 window having a view associated with the event object” as “sliding a window in a direction  
21 corresponding to the direction of the user input over a view that is stationary relative to the  
22 window.”

23 “rubberbanding a scrolling region displayed within the window by a predetermined  
24 maximum displacement when the scrolling region exceeds a window edge based on the scroll,” as  
25 the Accused Products do not meet this claim limitation. Furthermore, the ‘915 claims and  
26 specification do not define the claim term “rubberbanding” and an inventor of the patent was  
27 likewise unable to define it. (*See* Deposition Transcript of Andrew Platzer at 36-41.)

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1 “attaching scroll indicators to a content edge of the window” and “attaching scroll  
2 indicators to the window edge.” The ‘915 patent specification and claims do not define the terms  
3 “content edge” and “window edge,” rendering all the claims indefinite and therefore non-  
4 infringed.

5 “determining whether the event object invokes a scroll or gesture operation is based on  
6 receiving a drag user input for a certain time period,” as “event objects” are incapable of invoking  
7 operations.

8 “responding to at least one gesture call, if issued, by rotating a view associated with the  
9 event object based on receiving a plurality of input points in the form of the user input,” as the  
10 ‘915 specification conflates the definitions of scroll operations and gesture operations, rendering  
11 this claim indefinite and therefore non-infringed.

12 Apple also has failed to identify a function or associated structure for the means plus  
13 function claims, namely claims 8-14 and 15-21. Nevertheless, Samsung does not meet these  
14 means plus function claims for at least the reasons listed above.

15 **U.S. Patent No. 7,853,891 (“the ‘891 patent”)**

16 Samsung has not directly infringed, induced infringement of, or contributed to  
17 infringement of the ‘891 patent. Apple’s infringement contentions fail to demonstrate direct or  
18 indirect infringement of the ‘891 patent by Samsung. Apple’s contentions also fail to allege any  
19 facts to support its allegations of indirect infringement, including with respect to the critical issues  
20 of whether Samsung intended to induce others to infringe the ‘891 patent, whether the Accused  
21 Products are capable of substantial noninfringing uses, whether the Accused Products were  
22 especially made or especially adapted for infringing use, and how others have supposedly directly  
23 infringed the ‘891 patent.

24 The Accused Products do not practice claims 1-3, 5-7, 14-21, 23, 24, 26-28, 30-32, 39-46,  
25 48, 49, 51-53, 55-57, 64-71, 73 & 74, either literally or under the doctrine of equivalents, for at  
26 least the following reasons. Apple has not shown or provided any evidence demonstrating that any  
27 Accused Product practices a method to display a user interface window for a digital processing  
28 system, wherein the method comprises: (i) starts a timer, (ii) closing the window in response to a

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1 signal.” For example, Apple has not shown that any of the Accused Products have a modulated  
2 Vcom signal.

3         Furthermore, for claims 21-22, Apple has failed to show that the Accused Products have a  
4 second set of traces configured for being driven by low impedance driver outputs.” For claims 24-  
5 28, Apple has failed to show that in the Accused Products, “each of the drive traces is of a  
6 substantially constant width.”

7         For all of the patents listed above, Samsung’s investigation is ongoing and Samsung will  
8 provide its non-infringement positions for the Asserted Claims in its expert report(s) to be  
9 submitted in accordance with the Court’s Minute Order and Case Management Order, dated  
10 August 25, 2011.

11 DATED: March 12, 2012

Respectfully submitted,

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