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 Samsung Electronics America, Inc., and Samsung  
 14 Telecommunications America, LLC

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

17 APPLE INC., a California corporation,  
 18 Plaintiff,

19 vs.

20 SAMSUNG ELECTRONICS CO., LTD., a  
 21 Korean business entity; SAMSUNG  
 ELECTRONICS AMERICA, INC., a  
 22 New York corporation; SAMSUNG  
 TELECOMMUNICATIONS  
 23 AMERICA, LLC, a Delaware limited liability  
 company,  
 24 Defendants.

CASE NO. 11-cv-01846-LHK

**DECLARATION OF BRETT ARNOLD IN  
 SUPPORT OF SAMSUNG'S MOTION  
 FOR SUMMARY JUDGMENT**

**Date: June 21, 2011**  
**Time: 1:30 pm**  
**Place: Courtroom 8, 4th Floor**  
**Judge: Hon. Lucy H. Koh**

SUBMITTED UNDER SEAL  
 CONTAINS CONFIDENTIAL  
 INFORMATION

1 I, Brett Arnold, declare:

2 1. I am an attorney in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,  
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung  
4 Telecommunications America, LLC (collectively "Samsung"). I make this declaration in  
5 connection with Samsung's Notice of Lodging, filed herewith. I have personal knowledge of the  
6 facts set forth in this declaration except where noted and, if called upon as a witness, I could and  
7 would testify to such facts under oath.

8 2. Cooper Woodring was deposed on August 5, 2011. Attached as Exhibit 1 is a true  
9 and correct copy of excerpts from Mr. Woodring's deposition transcript.

10 3. Christopher Stringer was deposed on February 15, 2012. Attached as Exhibit 2 is a  
11 true and correct copy of excerpts from Mr. Stringer's deposition February 15, 2012 transcript.

12 4. Jonathan Ive was deposed on December 1, 2011. Attached as Exhibit 3 is a true and  
13 correct copy of excerpts from Mr. Ive's December 1, 2011 deposition transcript.

14 5. Attached as Exhibit 4 is a true and correct copy of Japanese design registration JP  
15 1241638, issued June 2005, as obtained from the U.S.P.T.O, along with a certified translation.

16 6. Attached as Exhibit 5 is a true and correct copy United States patent D618,677.

17 7. Attached as Exhibit 6 is a true and correct copy United States patent D593,087.

18 8. Attached as Exhibit 7 is a true and correct copy of Japanese design registration JP  
19 1204221, issued May 2004, as obtained from the U.S.P.T.O, along with a certified translation. A  
20 higher quality version of the images is also attached at the end of Exhibit 5.

21 9. Owen Kwon, a third party, was deposed on February 29, 2012. Attached as Exhibit  
22 8 is a true and correct copy of excerpts from Mr. Kwon's deposition transcript.

23 10. Ricardo Vilas Boas was deposed on March 16, 2012. Attached as Exhibit 9 is a true  
24 and correct copy of excerpts from Mr. Vilas Boas' deposition transcript.

25 11. Attached as Exhibit 10 is a true and correct copy of an image depicting the Nokia  
26 Fingerprint Concept phone, which was marked as an exhibit in the March 16, 2012 deposition of  
27 Mr. Vilas Boas, excerpts of which are at Exhibit 9 to this declaration.

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1           12.     I have seen a physical specimen of the iRiver U10 device, and the image included  
2 in Samsung's Motion for Summary Judgment and labeled as the iRiver U10 is an accurate image  
3 of the actual device.   That image is reproduced here:



10           13.     I have seen a physical specimen of the LG Chocolate device, and the images  
11 included in Samsung's Motion for Summary Judgment and labeled as the LG Chocolate are  
12 accurate images of the actual device.   Those image are reproduced here:



20           14.     Douglas Satzger was deposed on February 9, 2012. Attached as Exhibit 11 is a true  
21 and correct copy of excerpts from Mr. Satzger's February 9, 2012 deposition transcript. Included  
22 with the excerpts is a true and correct copy of Satzger Deposition Exhibit 8.

23           15.     Kurt Dammermann was deposed on March 23, 2012. Attached as Exhibit 12 is a  
24 true and correct copy of excerpts from Mr. Dammermann's deposition transcript.

25           16.     Attached as Exhibit 13 is a true and correct copy of documents produced by Apple  
26 bearing the Bates numbers APLNDC-X0000006115--APLNDC-X0000006129.

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1 17. Christopher Stringer was deposed on November 4, 2011. Attached as Exhibit 14 is  
2 a true and correct copy of excerpts from Mr. Stringer's deposition, including Stringer Deposition  
3 Exhibit 841.

4 18. Attached as Exhibit 15 are true and correct copies of photographs taken of an Apple  
5 model, known as the 035 Model.

6 19. Attached as Exhibit 16 is a true and correct copy of the file history for design  
7 patent D617,677 as produced by Apple bearing the Bates numbers APLPROS0000011597-  
8 0000011959.

9 20. Attached as Exhibit 17 is a true and correct copy of the file history for design  
10 patent D593,087 as produced by Apple bearing the Bates numbers APLPROS000010414-  
11 0000010773.

12 21. Apple's expert, Peter Bressler, was deposed on April 23, 2012. Attached as  
13 Exhibit 18 is a true and correct copy of excerpts from Mr. Bressler's deposition testimony.

14 22. Attached as Exhibit 19 is a true and correct copy of Korean design registration KR  
15 30-0398307, issued November 15 2005, as obtained from the U.S.P.T.O, along with a certified  
16 translation, bearing Bates numbers SAMNDCA00402644-SAMNDCA00402654

17 23. Sungyub Lee, a third party, was deposed on March 8, 2012. Attached as Exhibit 20  
18 is a true and correct copy of excerpts from Mr. Lee's deposition testimony as well as a true and  
19 correct copy of all the documents marked as exhibits at the deposition of Sungyub Lee.

20 24. I have seen a physical specimen of the Bluebird Pidion BM-200 device, and the  
21 images included in Samsung's Motion for Summary Judgment and labeled as the Bluebird Pidion  
22 BM-200 are accurate images of the actual device. Those images are reproduced here:



1           25.     Attached as Exhibit 21 is a true and correct copy of U.S. patent D504,889, as  
2 obtained from the USPTO.

3           26.     Attached as Exhibit 22 is a true and correct copy of U.S. patent D500,037, which  
4 issued on Dec. 21, 2004, as obtained from the USPTO.

5           27.     Attached as Exhibit 23 is a true and correct copy of Apple Inc.'s Fifth Amended  
6 Objections and Response to Samsung's Interrogatory No. 1 to Apple, as served to Samsung on  
7 March 8, 2012.

8           28.     Attached as Exhibit 24 is a true and correct copy of U.S. patent 6,919,678 as  
9 obtained from the U.S. Patent and Trade Office.

10          29.     Attached as Exhibit 25 is a true and correct copy of excerpts from *AppleDesign*, a  
11 book written by Paul Kunkel, copyright 1997. Page 144 of the book includes an image showing a  
12 flat panel display the "Brain Box" desktop.

13          30.     Attached as Exhibit 26 is a true and correct copy of the file history for design  
14 patent D504,889 as produced by Apple bearing the Bates numbers APLPROS000010188-  
15 0000010297.

16          31.     Attached as Exhibit 27 is a true and correct copy of Japanese design registration JP  
17 1178470, as obtained from the U.S.P.T.O, along with a certified translation.

18          32.     Attached as Exhibit 28 is a true and correct copy of an image contained within  
19 Korean design registration KR 30-0304213, as obtained from the U.S.P.T.O, along with a certified  
20 translation.

21          33.     Roger Fidler, a third party, was deposed on September 23, 2011. Attached as  
22 Exhibit 29 is a true and correct copy of excerpts from Mr. Fidler's deposition testimony and Fidler  
23 Deposition Exhibit 266.

24          34.     Attached as Exhibit 31 is a true and correct copy of a screenshot of  
25 [www.apple.com/iphone/](http://www.apple.com/iphone/) as visited on January 11, 2007 by [web.archive.org](http://web.archive.org).

26          35.     Attached as Exhibit 34 is a true and correct copy of U.S. patent D604,305 as  
27 obtained from the U.S. Patent and Trade Office.

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1           36.     Attached as Exhibit 35 is a true and correct copy of U.S. patent D617,334 as  
2 obtained from the U.S. Patent and Trade Office.

3           37.     Susan Kare was deposed on April 27, 2012. Attached as Exhibit 36 is a true and  
4 correct copy of excerpts from Ms. Kare's deposition testimony as well as true and correct copies of  
5 exhibits 2, 4, and 13 from the April 27, 2012 deposition of Susan Kare.

6           38.     Attached as Exhibit 37 is a true and correct copy of Apple Inc.'s Amended  
7 Objections and Responses to Samsung's Interrogatory Nos. 4, 6, 7, 16, 17, and 18, as served to  
8 Samsung on March 8, 2012.

9           39.     Daniele de Iuliis was deposed on October 21, 2011. Attached as Exhibit 38 is a true  
10 and correct copy of excerpts from Mr. de Iuliis's deposition testimony.

11          40.     Richard Howarth was deposed on October 31, 2011. Attached as Exhibit 39 are  
12 true and correct copies of excerpts from Mr. Howarth's deposition testimony.

13          41.     Daniel Coster was deposed on October 27, 2011. Attached as Exhibit 40 are true  
14 and correct copies of excerpts from Mr. Coster's deposition testimony.

15          42.     Duncan Kerr was deposed on October 26, 2011. Attached as Exhibit 41 is a true  
16 and correct copy of excerpts from Mr. Kerr's deposition testimony.

17          43.     Rico Zorkendorfer was deposed on October 21, 2011. Attached as Exhibit 42 is a  
18 true and correct copy of excerpts from Mr. Zorkendorfer's deposition testimony.

19          44.     Matthew Rohrbach was deposed on October 24, 2011. Attached as Exhibit 43 are  
20 true and correct copies of excerpts from Mr. Rohrbach's deposition testimony on that date.

21          45.     Eugene Whang was deposed on October 27, 2011. Attached as Exhibit 44 is a true  
22 and correct copy of excerpts from Mr. Whang's deposition testimony.

23          46.     Douglas Satzger was deposed on November 8, 2011. Attached as Exhibit 45 are  
24 true and correct copies of excerpts from Mr. Satzger's deposition testimony on that date.

25          47.     Richard Howarth was deposed on February 8, 2012. Attached as Exhibit 46 is a  
26 true and correct copy of excerpts from Mr. Howarth's testimony on that date.

27          48.     Matthew Rohrbach was deposed on February 23, 2012. Attached as Exhibit 47 is a  
28 true and correct copy of an excerpt from Mr. Rohrbach's testimony on that date.

1           49.     Attached as Exhibit 48 is a true and correct copy of the expert report of Henry  
2 Urbach, as served by Apple on March 22, 2012, excluding exhibits.

3           50.     Attached as Exhibit 49 is a true and correct copy of the expert report of Russell S.  
4 Winer, as served by Apple on March 22, 2012, excluding exhibits.

5           51.     Apple's expert, Peter Bressler, was deposed on April 24, 2012. Attached as  
6 Exhibit 50 is a true and correct copy of excerpts from Mr. Bressler's deposition testimony of that  
7 date.

8           52.     Attached as Exhibit 51 is a true and correct copy of a document produced by Apple  
9 with Bates numbers APLNDC0003040119-APLNDC0003040124. The document is an email  
10 from March 8, 2006 from Richard Howarth to Jonathan Ive with the subject line of "on: the sony  
11 vs apple competition."

12           53.     Michael Tchao was deposed on February 21, 2012. Attached as Exhibit 52 is a true  
13 and correct copy of excerpts from Mr. Tchao's deposition transcript.

14           54.     Attached as Exhibit 53 is a true and correct copy of US Patent 7,768,462.

15           55.     Fletcher Rothkopf was deposed on February 29, 2012. Attached as Exhibit 54 is a  
16 true and correct copy of excerpts from Mr. Rothkopf's deposition transcript from that date.

17           56.     Fletcher Rothkopf was deposed on April 19, 2012. Attached as Exhibit 55 is a true  
18 and correct copy of excerpts from Mr. Rothkopf's deposition transcript from that date.

19           57.     Brian Lynch was deposed on April 12, 2012. Attached as Exhibit 56 is a true and  
20 correct copy of excerpts from Mr. Lynch's deposition transcript.

21           58.     Jonathan Ive was deposed on February 7, 2012. Attached as Exhibit 57 is a true and  
22 correct copy of excerpts from Mr. Ive's deposition transcript from that date.

23           59.     Attached as Exhibit 58 is a true and correct copy of a document produced to  
24 Samsung by Apple and bearing Bates numbers APLNDC0001207394--APLNDC0001207395

25           60.     Phil Hobson was deposed on February 28, 2012. Attached as Exhibit 60 is a true  
26 and correct copy of excerpts from Mr. Hobson's deposition transcript.

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1           61. Christopher Prest was deposed on March 8, 2012. Attached as Exhibit 61 is a true  
2 and correct copy of excerpts from Mr. Prest's deposition transcript as well as a true and correct  
3 copy of a document marked as exhibit 2251 at that deposition.

4           62. Attached as Exhibit 62 is a true and correct copy of U.S. Patent 7,668,574.

5           63. Stephen Zadesky was deposed on March 5, 2012. Attached as Exhibit 63 is a true  
6 and correct copy of excerpts from Mr. Zadesky's deposition transcript.

7           64. Attached as Exhibit 65 is a true and correct copy of a video titled *Objectified*  
8 (2009).

9           65. Attached as Exhibit 66 is a true and correct copy of excerpts from the Expert  
10 Report of Peter W. Bressler, served by Apple on March 22, 2012.

11           66. Attached as Exhibit 67 is a true and correct copy of an excerpt from Apple Inc.'s  
12 Objections and Responses to Samsung's Fourth Set of Interrogatories, which was served to  
13 Samsung on March 10, 2012. The excerpt contains Apple's Response to Interrogatory 68.

14           67. Attached as Exhibit 68 is a true and correct copy of a document produced by Apple  
15 and bearing Bates numbers APLNDC-Y0000028751---APLNDC-Y0000028849 titled "US Mobile  
16 Phone Market Study."

17           68. Hal Poret was deposed on April 19, 2012. Attached as Exhibit 69 is a true and  
18 correct copy of excerpts from Mr. Poret's deposition transcript.

19           69. Attached as Exhibit 70 is a true and correct copy of excerpts from the Expert  
20 Report of Hal Poret, served by Apple on March 22, 2012, exhibits excluded.

21           70. Attached as Exhibit 71 is a true and correct copy of an print advertising campaign  
22 for iPhone, produced to Samsung by Apple on July 22, 2011 and bearing Bates numbers  
23 APLNDC00000114-00000123.

24           71. Attached as Exhibits 72a-72i are true and correct copies of videos advertising the  
25 iPhone 3G using the catchphrase, "There's an App for That," produced to Samsung by Apple on  
26 February 2, 2012 and bearing the Bates numbers APLNDC-X0000012856-X0000012861 and  
27 X0000015544-X0000015546.

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1           72.     Attached as Exhibit 73 is a true and correct copy of the Expert Report of Russell S.  
2 Winer, exhibits excluded.

3           73.     Attached as Exhibit 74 is a true and correct copy of a Declaration of Itay Sherman,  
4 signed May 17, 2012. Attached to the declaration is the expert report of Itay Sherman and a prior  
5 art comparison chart.

6           74.     Attached as Exhibit 75 is a true and correct copy of a Declaration of Mark Lehto,  
7 signed May 17, 2012. Attached to the declaration is the expert report of Mark Lehto.

8           75.     Attached as Exhibit 76 is a true and correct copy of a Declaration of Samuel  
9 Lucente, signed May 17, 2012. Attached to the declaration is the expert report of Samuel Lucente.

10          76.     Freddy Anzures was deposed on October 18, 2011. Attached as Exhibit 77 is a true  
11 and correct copy of an excerpt from Mr. Anzures' deposition transcript.

12          77.     Attached as Exhibit 78 is a true and correct copy of a document that was marked as  
13 Exhibit 12 at the deposition of Fletcher Rothkopf on February 29, 2012.

14          78.     Attached as Exhibit 79 is a true and correct copy of a document that was marked as  
15 Exhibit 5 at the deposition of Brian Lynch on April 12, 2012.

16          79.     Attached as Exhibit 80 is a true and correct copy of Apple's Supplemental  
17 Objections and Responses to Samsung's First Set of Interrogatories (No. 8), served by Apple on  
18 March 7, 2012.

19          80.     Attached as Exhibit 81 is a true and correct excerpt from Apple's Objections and  
20 Responses to Samsung's Fourth Set Interrogatories (No. 77), served by Apple on March 10, 2012.

21          81.     Attached as Exhibit 82 is a true and correct copy of an excerpt from the deposition  
22 of Dr. Janusz Ordoover, taken April 27, 2012.

23          82.     Attached as Exhibit 83 is a true and correct copy of the U.S. Patent No. 7,469,381,  
24 as produced by Apple bearing the Bates numbers APLNDC-Y0000145567-145626.

25          83.     Attached as Exhibit 84 is a true and correct copy of the U.S. Patent No. 7,633,607,  
26 as produced by Apple bearing the Bates numbers APLPROS0000003843-3874.

27          84.     Attached as Exhibit 85 is a true and correct copy of the U.S. Patent No. 7,844,915,  
28 as produced by Apple bearing the Bates numbers APLNDC-00025380-25432.



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**GENERAL ORDER ATTESTATION**

I, Victoria Maroulis, am the ECF user whose ID and password are being used to file the foregoing document. I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from Brett Arnold.

/s/ Victoria Maroulis