

1 3 and Figure 9 depicts a transparent, translucent **or** highly polished or reflective surface” with
2 respect to the D’889 patent. Samsung objects to these proposed amendments.

3 The phrase that Apple seeks to amend comes from the MPEP 1503.02 (II), which states that
4 “[o]blique line shading must be used to show **transparent, translucent and highly polished or**
5 **reflective surfaces**, such as a mirror.” However, the Court agrees with Apple that the current
6 constructions for the D’677 and D’889 Patents with respect to the oblique line shading are unclear.
7 The MPEP states that oblique line shading can be used to show a surface that is (1) transparent; (2)
8 translucent; or (3) highly polished or reflective. Accordingly, the Court adopts Apple’s proposed
9 amendments to the D’087, D’677, and D’889 Patents.

10 *1. The D’087 Patent*

11 The D’087 Patent claims the ornamental design of an electronic device as shown in Figures
12 1-48. The broken lines in the D’087 Patent constitute unclaimed subject matter. Thus, the D’087
13 Patent claims the front face, a ‘bezel encircling the front face of the patented design [that] extends
14 from the front of the phone to its sides,’ and a flat contour of the front face, but does not claim the
15 rest of the article of manufacture.

16 *2. The D’677 Patent*

17 The D’677 Patent claims the ornamental design of an electronic device as shown in Figures
18 1-8. The broken lines in the D’677 Patent constitute unclaimed subject matter. The use of “solid
19 black surface shading” on the D’677 Patent represents the color black. The use of oblique line
20 shading on the D’677 Patent is used to show a transparent, translucent, or highly polished or
21 reflective surface.

22 *3. The D’889 Patent*

23 The D’889 Patent claims the ornamental design of an electronic device as shown in Figures
24 1-9. The broken lines depicting the human figure in figure 9 do not form a part of the claimed
25 design. The other broken lines in the other figures are part of the claimed design. The D’889 also
26 includes oblique line shading on several of the figures. The oblique line shading in Figures 1-3 and
27 Figure 9 depicts a transparent, translucent, or highly polished or reflective surface from the top
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perspective view of the claimed design, the top view of the claimed design, and the bottom perspective view of the claimed design.

IT IS SO ORDERED.

Dated: July 29, 2012


LUCY H. KOH
United States District Judge