

# EXHIBIT

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**SUBJECT TO PROTECTIVE ORDER**  
**CONTAINS CONFIDENTIAL INFORMATION**

1 HAROLD J. MCELHINNY (CA SBN 66781)  
2 hmcclhinny@mof.com  
3 MICHAEL A. JACOBS (CA SBN 111664)  
4 mjacobs@mof.com  
5 RICHARD S.J. HUNG (CA SBN 197425)  
6 rhung@mof.com  
7 MORRISON & FOERSTER LLP  
8 425 Market Street  
9 San Francisco, California 94105-2482  
10 Telephone: (415) 268-7000  
11 Facsimile: (415) 268-7522

WILLIAM F. LEE (*pro hac vice*)  
william.lee@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, Massachusetts 02109  
Telephone: (617) 526-6000  
Facsimile: (617) 526-5000

MARK D. SELWYN (SBN 244180)  
mark.selwyn@wilmerhale.com  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
950 Page Mill Road  
Palo Alto, California 94304  
Telephone: (650) 858-6000  
Facsimile: (650) 858-6100

*Attorneys for Plaintiff and  
Counterclaim-Defendant Apple Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

16 APPLE INC., a California corporation,

17 Plaintiff,

18 vs.

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

23 Defendants.

Civil Action No. 11-CV-01846-LHK

**APPLE INC.'S OBJECTIONS AND  
RESPONSES TO SAMSUNG'S FOURTH  
SET OF INTERROGATORIES**

**CONFIDENTIAL UNDER THE  
PROTECTIVE ORDER**

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]

7 **INTERROGATORY NO. 70:**

8 Separately for each APPLE TRADE DRESS, state fully and in detail all facts that  
9 support YOUR contention that SAMSUNG is diluting or has diluted such trade dress.

10 **RESPONSE TO INTERROGATORY NO. 70**

11 Apple objects to the phrase “fully and in detail” as vague and ambiguous. Apple objects  
12 to this Interrogatory as unduly burdensome, overbroad, and impracticable to the extent that it  
13 requests Apple to state “all facts” supporting Apple’s contention “fully and in detail,” especially  
14 given the late date in the discovery period at which this Interrogatory was propounded. Apple  
15 further objects to this Interrogatory to the extent it seeks information that: (i) would require  
16 Apple to draw a legal conclusion to respond; (ii) is outside of Apple’s possession, custody, or  
17 control; (iii) can be obtained as easily by Samsung, is already in Samsung’s possession, or is  
18 publicly available; or (iv) is subject to a confidentiality or nondisclosure agreement or governed  
19 by a protective order preventing its production.

20 Subject to and incorporating its General Objections and its specific objections, Apple  
21 responds as follows with respect to the Samsung products accused in Apple’s Amended  
22 Complaint:

23 Samsung is diluting Apple’s Original iPhone Trade Dress, iPhone 3G Trade Dress,  
24 iPhone 4 Trade Dress, iPhone Trade Dress, iPad Trade Dress, iPad 2 Trade Dress and the trade  
25 dress registered in U.S. Trademark Reg. Nos. 3,470,983, 3,457,218, and 3,475,327 by  
26 advertising and selling a wide variety of lookalike products, including without limitation Galaxy,  
27

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1 Galaxy S, and Galaxy SII products such as Captivate, Continuum, Droid Charge, Epic 4G,  
2 Fascinate, Galaxy Ace, Galaxy Prevail, Galaxy S (i9000), Galaxy S 4G, Galaxy S II (AT&T  
3 Edition, 4G), Galaxy S II (i9100), Galaxy S II (T-Mobile edition), Galaxy S II Epic 4G Touch,  
4 Galaxy S II Skyrocket (4G LTE), Galaxy S Showcase (i500), Infuse 4G, Mesmerize, Vibrant,  
5 Galaxy Tab 7.0, Galaxy Tab 7.0 Plus, Galaxy Tab 10.1, and Galaxy Tab 10.1 LTE. These  
6 products were intentionally designed to look like Apple products in their hardware and user  
7 interface design. By offering them for sale and selling them in the U.S., Samsung has diluted  
8 and will continue to dilute the strength of Apple's distinctive trade dress in its products.

9  
10 Many of Samsung's Galaxy phones embody a combination of several elements of the  
11 Original iPhone Trade Dress, including at least the following: Captivate, Continuum, Droid  
12 Charge, Epic 4G, Fascinate, Galaxy Prevail, Galaxy S (i9000), Galaxy S 4G, Galaxy S II (AT&T  
13 Edition, 4G), Galaxy S II (i9100), Galaxy S II (T-Mobile edition), Galaxy S II Epic 4G Touch,  
14 Galaxy S II Skyrocket (4G LTE), Galaxy S Showcase (i500), Infuse 4G, Mesmerize, and  
15 Vibrant. These products were intentionally designed to look like Apple products in their  
16 hardware and user interface design. By offering them for sale and selling them in the U.S.,  
17 Samsung has diluted and will continue to dilute the strength of the Original iPhone Trade Dress.

18 Many of Samsung's Galaxy phones embody a combination of several elements of the  
19 iPhone 3G Trade Dress, including at least the following: Captivate, Continuum, Droid Charge,  
20 Epic 4G, Fascinate, Galaxy Prevail, Galaxy S (i9000), Galaxy S 4G, Galaxy S II (AT&T Edition,  
21 4G), Galaxy S II (i9100), Galaxy S II (T-Mobile edition), Galaxy S II Epic 4G Touch, Galaxy S  
22 II Skyrocket (4G LTE), Galaxy S Showcase (i500), Infuse 4G, Mesmerize, and Vibrant. These  
23 products were intentionally designed to look like Apple products in their hardware and user  
24 interface design. By offering them for sale and selling them in the U.S., Samsung has diluted  
25 and will continue to dilute the strength of the iPhone 3G Trade Dress.

26 Many of Samsung's Galaxy phones embody a combination of several elements of the  
27 iPhone Trade Dress, including at least the following: Captivate, Continuum, Droid Charge, Epic

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1 4G, Fascinate, Galaxy Prevail, Galaxy S (i9000), Galaxy S 4G, Galaxy S II (AT&T Edition, 4G),  
2 Galaxy S II (i9100), Galaxy S II (T-Mobile edition), Galaxy S II Epic 4G Touch, Galaxy S II  
3 Skyrocket (4G LTE), Galaxy S Showcase (i500), Infuse 4G, Mesmerize, and Vibrant. These  
4 products were intentionally designed to look like Apple products in their hardware and user  
5 interface design. By offering them for sale and selling them in the U.S., Samsung has diluted  
6 and will continue to dilute the strength of the iPhone Trade Dress.

7  
8 Many of Samsung's Galaxy phones embody a combination of several elements of the  
9 trade dress registered in U.S. Trademark Reg. No. 3,470,983, including at least the following:  
10 Captivate, Continuum, Droid Charge, Epic 4G, Fascinate, Galaxy Prevail, Galaxy S (i9000),  
11 Galaxy S 4G, Galaxy S II (AT&T Edition, 4G), Galaxy S II (i9100), Galaxy S II (T-Mobile  
12 edition), Galaxy S II Epic 4G Touch, Galaxy S II Skyrocket (4G LTE), Galaxy S Showcase  
13 (i500), Infuse 4G, Mesmerize, and Vibrant. These products were intentionally designed to look  
14 like Apple products in their hardware and user interface design. By offering them for sale and  
15 selling them in the U.S., Samsung has diluted and will continue to dilute the strength of the  
16 registered trade dress.

17 Many of Samsung's Galaxy phones embody a combination of several elements of the  
18 trade dress registered in U.S. Trademark Reg. No. 3,457,218, including at least the following:  
19 Captivate, Continuum, Droid Charge, Epic 4G, Fascinate, Galaxy Prevail, Galaxy S (i9000),  
20 Galaxy S 4G, Galaxy S II (AT&T Edition, 4G), Galaxy S II (i9100), Galaxy S II (T-Mobile  
21 edition), Galaxy S II Epic 4G Touch, Galaxy S II Skyrocket (4G LTE), Galaxy S Showcase  
22 (i500), Infuse 4G, Mesmerize, and Vibrant. These products were intentionally designed to look  
23 like Apple products in their hardware and user interface design. By offering them for sale and  
24 selling them in the U.S., Samsung has diluted and will continue to dilute the strength of the  
25 registered trade dress.

26 Many of Samsung's Galaxy phones embody a combination of several elements of the  
27 trade dress registered in U.S. Trademark Reg. No. 3,475,327, including at least the following:  
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1 Captivate, Continuum, Droid Charge, Epic 4G, Fascinate, Galaxy Prevail, Galaxy S (i9000),  
2 Galaxy S 4G, Galaxy S II (AT&T Edition, 4G), Galaxy S II (i9100), Galaxy S II (T-Mobile  
3 edition), Galaxy S II Epic 4G Touch, Galaxy S II Skyrocket (4G LTE), Galaxy S Showcase  
4 (i500), Infuse 4G, Mesmerize, and Vibrant. These products were intentionally designed to look  
5 like Apple products in their hardware and user interface design. By offering them for sale and  
6 selling them in the U.S., Samsung has diluted and will continue to dilute the strength of the  
7 registered trade dress.

8  
9 Many of Samsung's Galaxy phones embody a combination of several elements of the  
10 iPhone 4 Trade Dress, including at least the following: Galaxy Ace. These products were  
11 intentionally designed to look like Apple products in their hardware and user interface design.  
12 By offering them for sale and selling them in the U.S., Samsung has diluted and will continue to  
13 dilute the strength of the iPhone 4 Trade Dress.

14 Many of Samsung's Galaxy tablet computers embody a combination of several elements  
15 of the iPad Trade Dress, including at least the following: Galaxy Tab 7.0, Galaxy Tab 7.0 Plus,  
16 Galaxy Tab 10.1, and Galaxy Tab 10.1 LTE. These products were intentionally designed to look  
17 like Apple products in their hardware and user interface design. By offering them for sale and  
18 selling them in the U.S., Samsung has diluted and will continue to dilute the strength of the iPad  
19 Trade Dress.

20 Many of Samsung's Galaxy tablet computers embody a combination of several elements  
21 of the iPad 2 Trade Dress, including at least the following: Galaxy Tab 7.0, Galaxy Tab 7.0  
22 Plus, Galaxy Tab 10.1, and Galaxy Tab 10.1 LTE. These products were intentionally designed  
23 to look like Apple products in their hardware and user interface design. By offering them for  
24 sale and selling them in the U.S., Samsung has diluted and will continue to dilute the strength of  
25 the iPad 2 Trade Dress.

26 Samsung threatens to dilute the distinctiveness of Apple's highly distinctive designs by  
27 producing and promoting lookalike products. Further, Apple's reputation as an innovator in  
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1 design may be diminished if other companies are selling products with similar designs. Apple  
2 has a well-established reputation of coming out with remarkable new products and designs that  
3 look very different from what has come before. If consumers can buy products with similar  
4 designs from other companies, Apple's design will no longer stand out from the crowd of  
5 competing products. Eventually design will no longer be a compelling strength for Apple.

6 Facts that support Apple's contention that Samsung's Galaxy, Galaxy S, and Galaxy SII  
7 smartphone and tablet computer products have diluted and will continue to dilute the Apple trade  
8 dress at issue in this lawsuit include, but are not limited to, facts relating to (i) the unique  
9 appearance of the iPhone, iPod touch, and iPad products, (ii) pre-launch publicity for the iPhone,  
10 iPod touch, and iPad products, (iii) Apple's extensive advertising of the iPhone, iPod touch, and  
11 iPad products, (iv) unsolicited third-party press for the iPhone, iPod touch, and iPad products,  
12 including positive reviews and press accolades, (v) the iPhone, iPod touch, and iPad products'  
13 appearance in popular media, (vi) the widespread use of the iPhone, iPod touch, and iPad  
14 products by well known political, sports, and entertainment figures, (vii) design awards received  
15 by Apple for the design of the iPhone, iPod touch, and iPad products, (viii) sales of the iPhone,  
16 iPod touch, and iPad products, (ix) Samsung's extensive advertisements of the Galaxy, Galaxy S,  
17 and Galaxy SII smartphone and tablet computer products, (x) third-party reviews of Samsung's  
18 Galaxy, Galaxy S, and Galaxy SII smartphone and tablet computer products, including reviews  
19 comparing Samsung's smartphone and tablet computer products to Apple's products, and  
20 (xi) Samsung's sales of the Galaxy, Galaxy S, and Galaxy SII smartphone and tablet computer  
21 products.  
22

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1 Dated: March 10, 2012

/s/ Mark D. Selwyn  
Mark D. Selwyn (SBN 244180)  
(mark.selwyn@wilmerhale.com)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
950 Page Mill Road  
Palo Alto, California 94304  
Telephone: (650) 858-6000  
Facsimile: (650) 858-6100

6 William F. Lee (admitted *pro hac vice*)  
(william.lee@wilmerhale.com)  
7 WILMER CUTLER PICKERING  
8 HALE AND DORR LLP  
60 State Street  
Boston, Massachusetts 02109  
Telephone: (617) 526-6000  
Facsimile: (617) 526-5000

11 Harold J. McElhinny (SBN 66781)  
(HMcElhinny@mofocom)  
12 Michael A. Jacobs (SBN 111664)  
(MJacobs@mofocom)  
13 Richard S.J. Hung (CA SBN 197425)  
rhung@mofocom  
14 MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105  
Telephone: (415) 268-7000  
Facsimile: (415) 268-7522

17 Attorneys for Plaintiff and  
Counterclaim-Defendant Apple Inc.



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**CERTIFICATE OF SERVICE**

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2  
3           The undersigned hereby certifies that a true and correct copy of the above and foregoing  
4 document has been served on March 10, 2012 by electronic mail upon the following:

5 Charles Kramer Verhoeven (Cal. Bar No. 170151)  
6 (charlesverhoeven@quinnemanuel.com)  
7 Quinn Emanuel Urquhart & Sullivan LLP  
8 50 California Street, 22nd Floor  
9 San Francisco, California 94111  
10 Telephone: (415) 875-6600  
11 Facsimile: (415) 875-7600

12 Kevin P.B. Johnson (Cal. Bar No. 177129)  
13 (kevinjohnson@quinnemanuel.com)  
14 Victoria F. Maroulis (Cal. Bar No. 202603)  
15 (victoriamaroulis@quinnemanuel.com)  
16 Quinn Emanuel Urquhart & Sullivan LLP  
17 555 Twin Dolphin Drive 5th Floor  
18 Redwood Shores, California 94065  
19 Telephone: (650) 801-5000  
20 Facsimile: (650) 801-5100

21 Edward J. DeFranco (Cal. Bar No. 165596)  
22 (eddefranco@quinnemanuel.com)  
23 Quinn Emanuel Urquhart & Sullivan LLP  
24 51 Madison Avenue, 22nd Floor  
25 New York, New York 10010  
26 Telephone: (212) 849-7000  
27 Facsimile: (212) 849-7100

28 Michael T. Zeller (Cal. Bar No. 196417)  
(michaelzeller@quinnemanuel.com)  
Quinn Emanuel Urquhart & Sullivan LLP  
865 S. Figueroa St., 10th Floor  
Los Angeles, California 90017  
Telephone: (213) 443-3000  
Facsimile: (213) 443-3100

/s/ Mark. D Selwyn  
\_\_\_\_\_  
Mark D. Selwyn