

EXHIBIT 5

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 APPLE INC., a California corporation,

15 Plaintiff,

16 v.

17 SAMSUNG ELECTRONICS CO., LTD., a
18 Korean corporation; SAMSUNG ELECTRONICS
19 AMERICA, INC., a New York corporation; and
20 SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC, a Delaware limited liability
company,

21 Defendants.

Case No. 11-cv-01846-LHK

**APPLE INC.'S NOTICE OF RULE
30(B)(6) DEPOSITION OF
SAMSUNG ELECTRONICS CO.,
LTD. RELATING TO APPLE'S
MOTION FOR A PRELIMINARY
INJUNCTION**

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TO ALL PARTIES and THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 30(b)(6), Plaintiff Apple Inc., by and through its attorneys, will take the deposition upon oral examination of Defendant Samsung Electronics Co., Ltd. (“SEC”). The deposition will commence on a mutually agreeable date at the offices of Morrison & Foerster LLP, 425 Market Street, San Francisco, California, 94025. The deposition will be taken before a notary public or other authorized officer and will continue from day to day until completed. Pursuant to Federal Rule of Civil Procedure 30(b)(6), SEC shall designate one or more officers, directors, managing agents, or other persons who consent to testify on its behalf and who are most knowledgeable and competent to testify concerning each of the subjects set forth in Exhibit A hereto.

PLEASE TAKE FURTHER NOTICE that, pursuant to Federal Rule of Civil Procedure 30(b)(3), the deposition will be videotaped and recorded stenographically.

Dated: August 26, 2011

MORRISON & FOERSTER LLP

By: /s/ Richard S.J. Hung
RICHARD S.J. HUNG
Attorneys for Plaintiff
APPLE INC.

1 **EXHIBIT A**

2 **DEFINITIONS**

3 1. “You,” “your,” and/or “Samsung” mean Defendants Samsung Electronics Co.,
4 Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC all
5 predecessors, successors, predecessors-in-interest, successors-in-interest, subsidiaries, divisions,
6 parents, and/or affiliates, past or present, any companies that have a controlling interest in
7 Defendants, and any current or former employee, officer, director, principal, agent, consultant,
8 sales representative, or attorney thereof.

9 2. “Apple” means Apple Inc.

10 3. “Products at Issue” means the Samsung Galaxy S 4G, Infuse 4G, Droid Charge,
11 and Galaxy Tab 10.1, as released anywhere in the world.

12 4. “Hardware Design” means a device’s casing, screen and screen borders, bezel or
13 band, buttons, ports, speaker, and speaker slots, and all hardware, insignia, or ornamentation
14 thereon.

15 5. “Patents at Issue” means U.S. Design Patent Nos. D618,677, D593,087, and
16 D504,889, and U.S. Patent No. 7,469,381.

17 6. “Opposition” means your Opposition to Apple’s Motion for a Preliminary
18 Injunction and all supporting declarations and exhibits.

19 7. “Document(s)” has the broadest possible meaning permitted by Federal Rules of
20 Civil Procedure Rules 26 and 34 and the relevant case law. “Document(s)” also includes all
21 drafts or non-final versions, alterations, modifications, and amendments to any of the foregoing.

22 8. “Relating” means regarding, referring to, concerning, mentioning, reflecting,
23 pertaining to, evidencing, involving, describing, discussing, commenting on, embodying,
24 responding to, supporting, contradicting, containing or constituting (in whole or in part), as the
25 context makes appropriate.

26 9. The use of a verb in any tense shall be construed as the use of the verb in all other
27 tenses.

28 10. The use of the singular form of any word includes the plural and vice versa.

1 “And” and “or” shall be construed conjunctively and disjunctively to acquire the broadest
2 meaning possible.

3 TOPICS

4 1. Samsung’s imitation, copying, or emulation of any Apple product in developing,
5 creating, or designing any of the Products at Issue.

6 2. The development and/or design of the Hardware Design of the Products at Issue.

7 3. The identity of the individuals involved in the development and/or design of the
8 Hardware Design of the Products at Issue and the roles and responsibilities of each.

9 4. The identity of the individuals involved in marketing the Products at Issue and the
10 roles and responsibilities of each.

11 5. The development and/or design of features in the Products at Issue relating to (1)
12 the functionality that allows for a list to be scrolled beyond its terminus or a document to be
13 translated beyond its edge until the list or document is partially displayed; and (2) functionality
14 that allows for a list that is scrolled beyond its terminus to scroll back or bounce back into place
15 or for a document that is translated beyond its edge to translate back or bounce back so that the
16 list or document returns to fill the screen.

17 6. Aesthetic, functional, and cost considerations that affected, constrained, or altered
18 the Hardware Design of the Galaxy S 4G, Infuse 4G, and Galaxy Tab 10.1.

19 7. Alternative Hardware Designs considered by Samsung during the development of
20 the Galaxy S 4G, Infuse 4G, and Galaxy Tab 10.1.

21 8. Alternative user interfaces considered by Samsung during the development of the
22 Galaxy S 4G, Infuse 4G, Droid Charge, and Galaxy Tab 10.1.

23 9. Any reference to or consideration of an Apple product during the design of the
24 Products at Issue.

25 10. Your awareness of any of the Patents at Issue.

26 11. Your analysis, review, consideration, or copying of, or comparison against, any
27 Apple product or product feature with respect to any features of the Products at Issue, including
28 (1) their Hardware Design; (2) the functionality that allows for a list to be scrolled beyond its

1 terminus or a document to be translated beyond its edge until the list or document is partially
2 displayed; and (3) functionality that allows for a list that is scrolled beyond its terminus to scroll
3 back or bounce back into place or for a document that is translated beyond its edge to translate
4 back or bounce back so that the list or document returns to fill the screen.

5 12. Your communications with Apple relating to the Patents at Issue.

6 13. Your communications with Apple relating to the Products at Issue.

7 14. Any customer surveys, market studies, market analyses, or other investigations
8 conducted by Samsung or on behalf of Samsung relating to the Products at Issue.

9 15. Any reference to Apple or Apple products in advertising of the Products at Issue.

10 16. Your identification or analysis of the market or markets to which Samsung
11 intends to sell the Products at Issue.

12 17. Samsung's smartphones and tablet computer market share.

13 18. Any instances of consumer confusion in which Samsung was made aware that a
14 person confused an Apple product for a Product at Issue, or a Product at Issue for an Apple
15 product.

16 19. Marketing and promotion of the Products at Issue.

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