

EXHIBIT X-8
(Public Redacted Version)

Apple's Unreasonable Delay: Bounce Feature

Subject: Samsung Galaxy

Date: Wed, 24 Mar 2010 19:13:55 +0000

From: "Tim Cook" <tcook@apple.com>

To: "Steve Jobs" <sjobs@apple.com>

Message-ID: <3C4F5B4A-654F-4759-9900-EF9FC2E9CCA@apple.com>

check out the YouTube video.

tim

[Samsung's stunning i9000 Galaxy S live in photos and video Live Photo Gallery](#)

The YouTube Video Shows the Bounce Feature In the Samsung Phone



Filename: Si9000_short.mpg

Apple's Unreasonable Delay: Bounce Feature



2007

Accused bounce feature introduced in Samsung Haptic (Dennison Dep. at 175:9-176:15)



3/2010

Apple COO Tim Cook sends CEO Steve Jobs a YouTube link describing Samsung's Galaxy Si9000 and showing bounce feature



7/2010

Samsung releases Vibrant and Captivate phones—Apple accuses both of infringing the '381 patent

4/15/2011

Apple files complaint



7/1/2011

Apple moves for PI



2007

2008

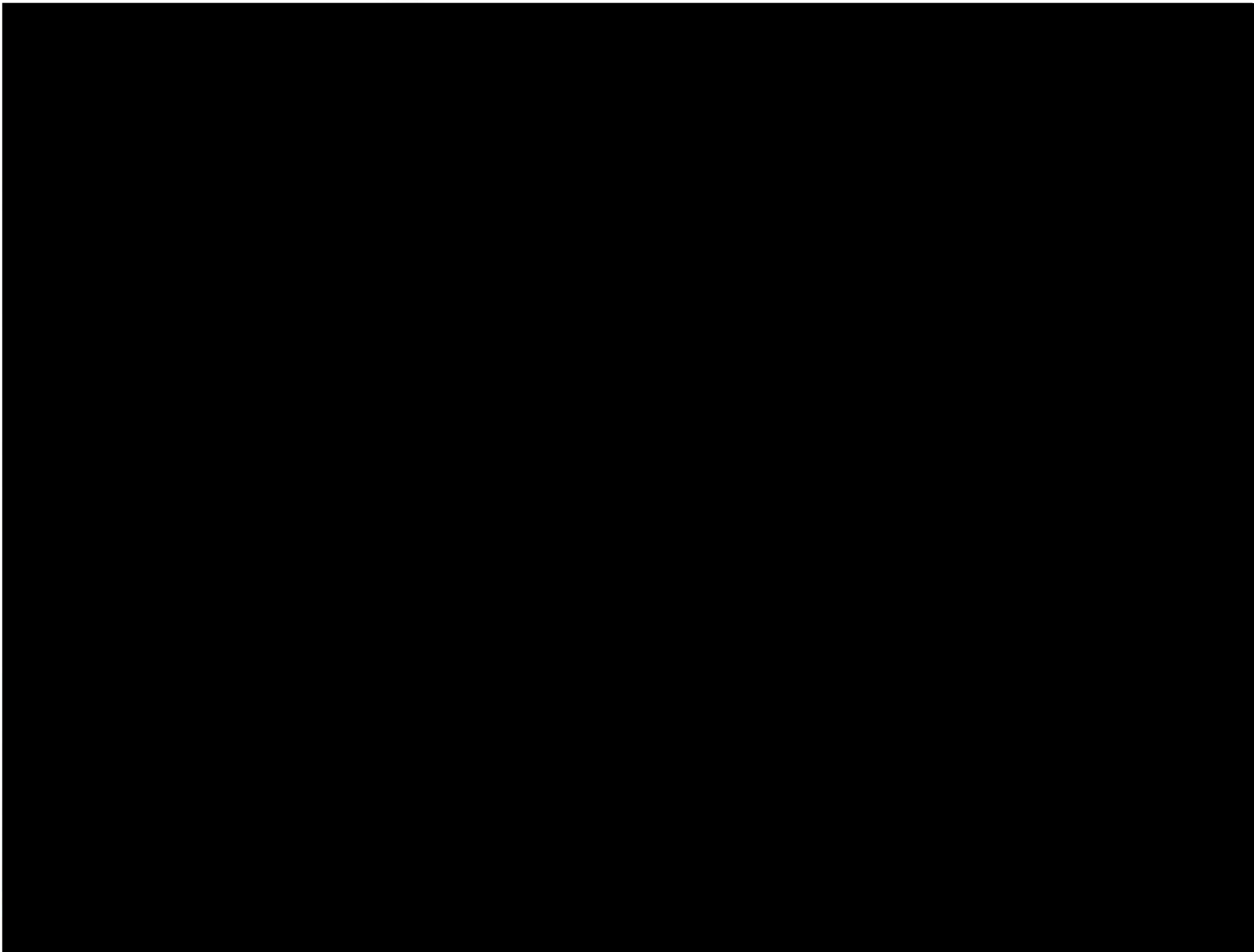
2009

2010

2011

Apple Cannot Use Negotiations as an Excuse for Delay



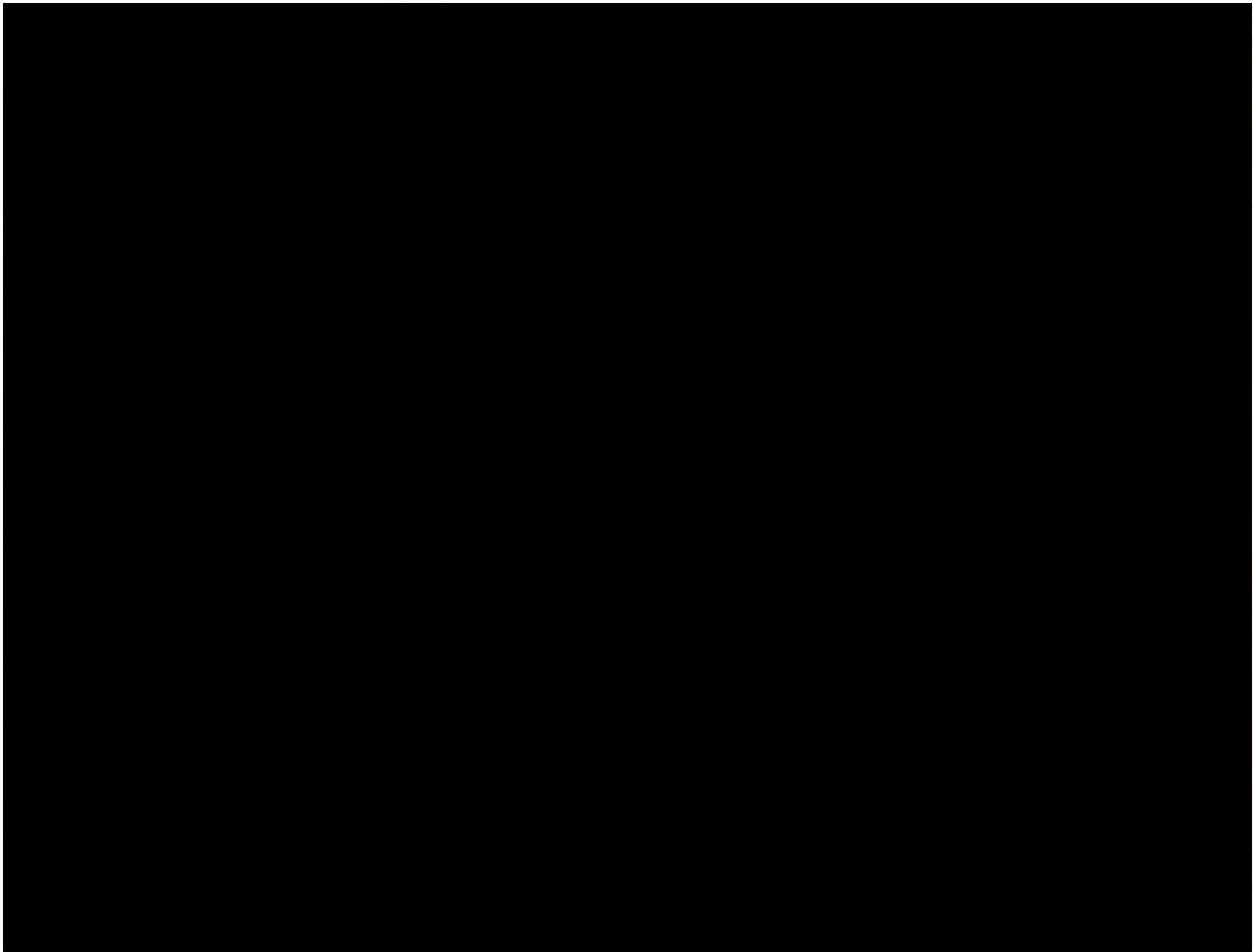


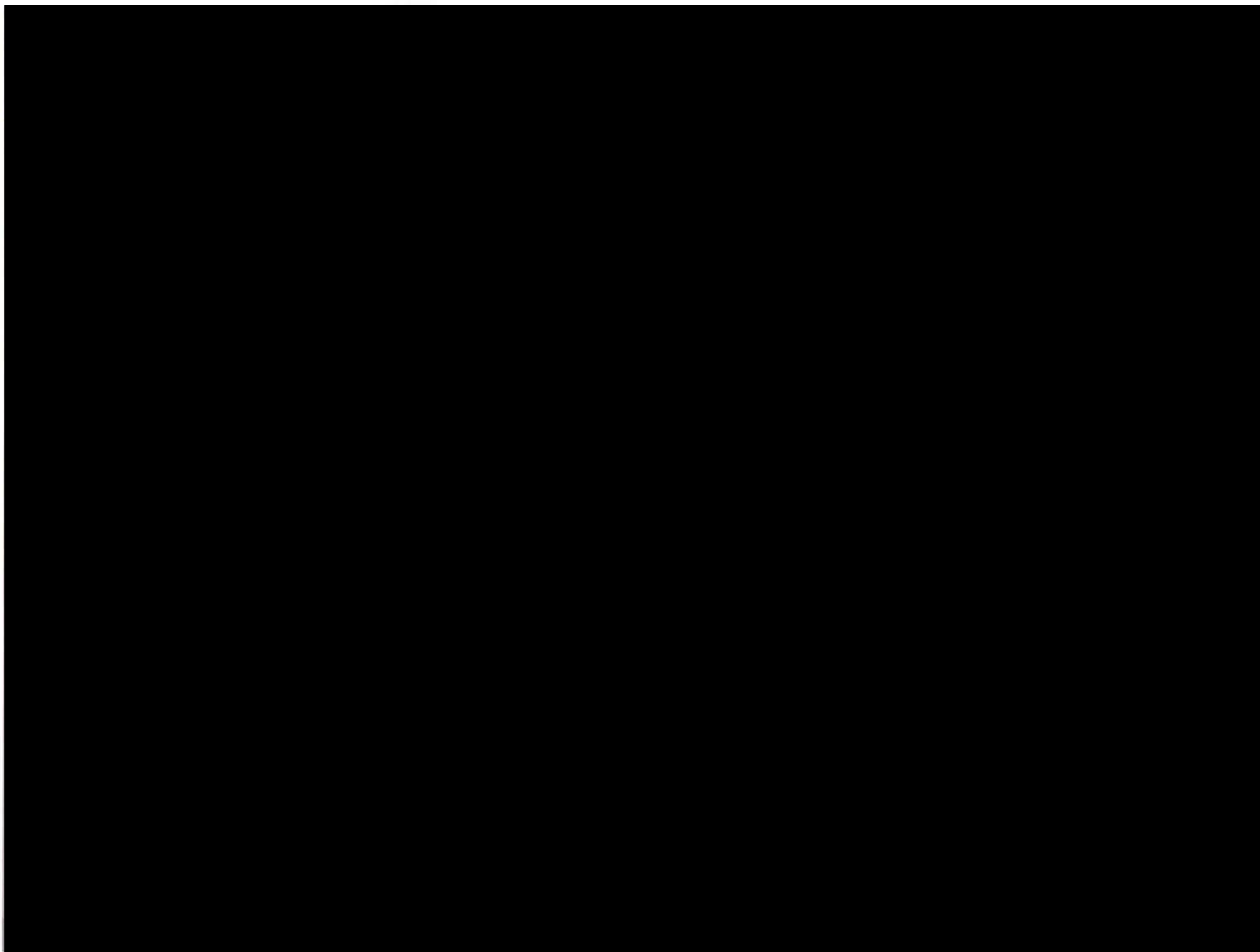
Apple Accused Nokia and HTC of Infringing the '381 Patent But Did Not Move for a Preliminary Injunction

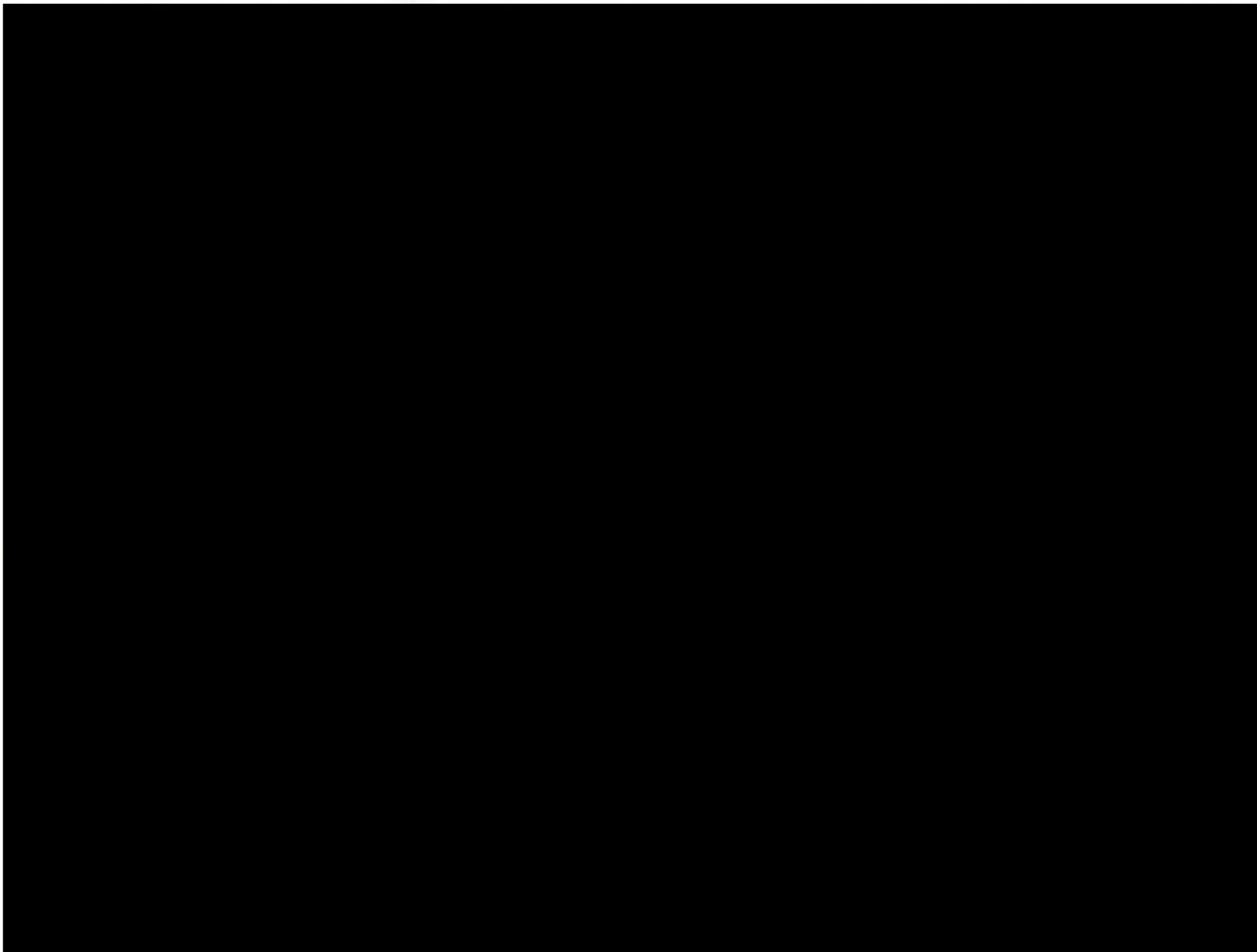
- Apple asserted the '381 patent against Nokia in December 2009 but did not move for a preliminary injunction

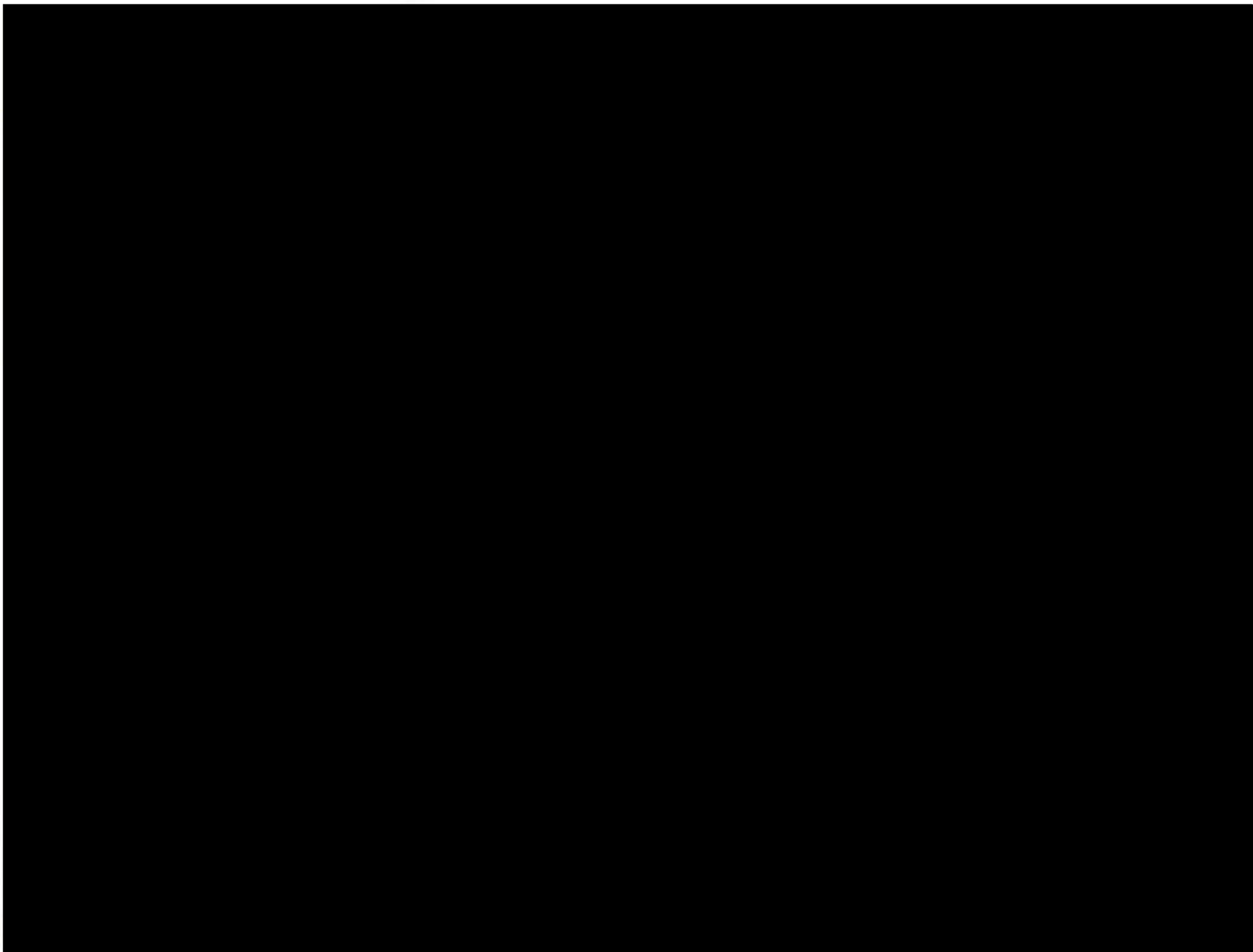
- Apple Motion at 17-18

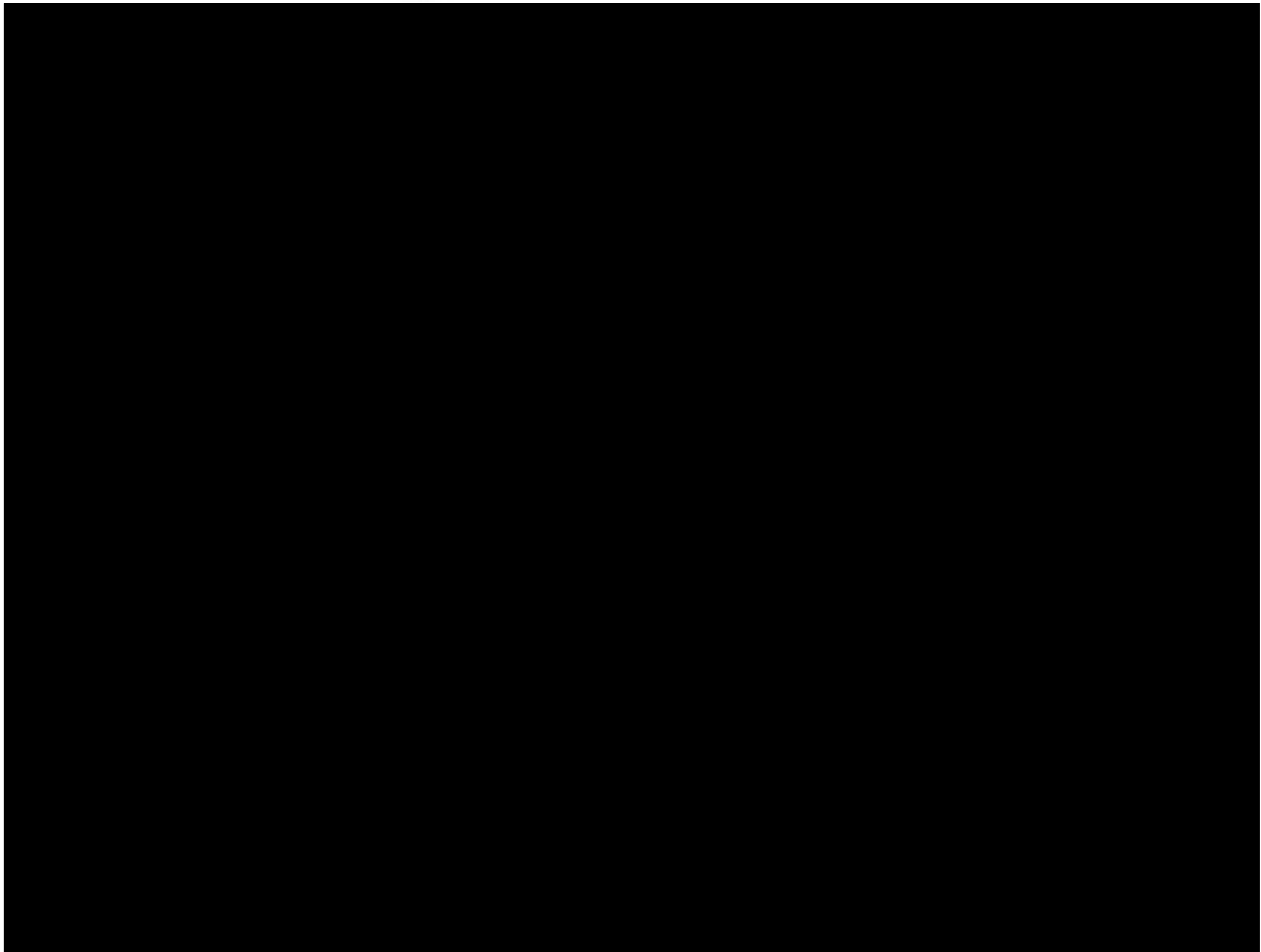
- Apple settled its claims with Nokia in June 2011
- Apple asserted the '381 patent against HTC in July 2011 but did not move for a preliminary injunction











The Accused Bounce Feature Is a Small Feature In the Accused Smartphones and Tablets

- Accused products have hundreds, if not thousands of features
- Bounce feature is just one small feature
- Bounce feature exists in only certain applications on certain versions of software

--eBay Inc. v. MercExchange, LLC

Apple's PI Motion Should Be Denied

- Apple cannot prove likelihood of success on the merits
 - Apple is not likely to prevail on the D'677 and D'087 patents
 - Apple is not likely to prevail on the D'889 patent
 - Apple is not likely to prevail on the '381 patent
- Apple has not demonstrated irreparable harm
- **The balance of equities tips against Apple**
- The public interest favors denial of Apple's motion

Apple's PI Motion Should Be Denied

- Apple cannot prove likelihood of success on the merits
 - Apple is not likely to prevail on the D'677 and D'087 patents
 - Apple is not likely to prevail on the D'889 patent
 - Apple is not likely to prevail on the '381 patent
- Apple has not demonstrated irreparable harm
- The balance of equities tips against Apple
- **The public interest favors denial of Apple's motion**

T-Mobile and Its Customers Will Be Harmed By a Preliminary Injunction

- Galaxy S 4G is a top-five selling device for T-Mobile
- Galaxy Tab 10.1 is launching for holiday season and will be T-Mobile's only 10-inch tablet
- 2011 holiday season inventory has already been ordered
- Marketing campaign is complete; No alternatives exist
- No other Android products with same features and price point

T-Mobile



SAMSUNG GALAXY S 4G



SAMSUNG GALAXY Tab 10.1

Verizon and Its Customers Will Be Harmed By a Preliminary Injunction

- Samsung DROID Charge is one of only five 4G LTE phones offered by Verizon
- Samsung Galaxy Tab 10.1 is the first 4G tablet device in the US
- Injunction on these devices would prevent customers from benefitting from billions of dollars Verizon has invested in 4G LTE network and hamper early adoption of the technology
- Impact of injunction magnified by holiday season timing

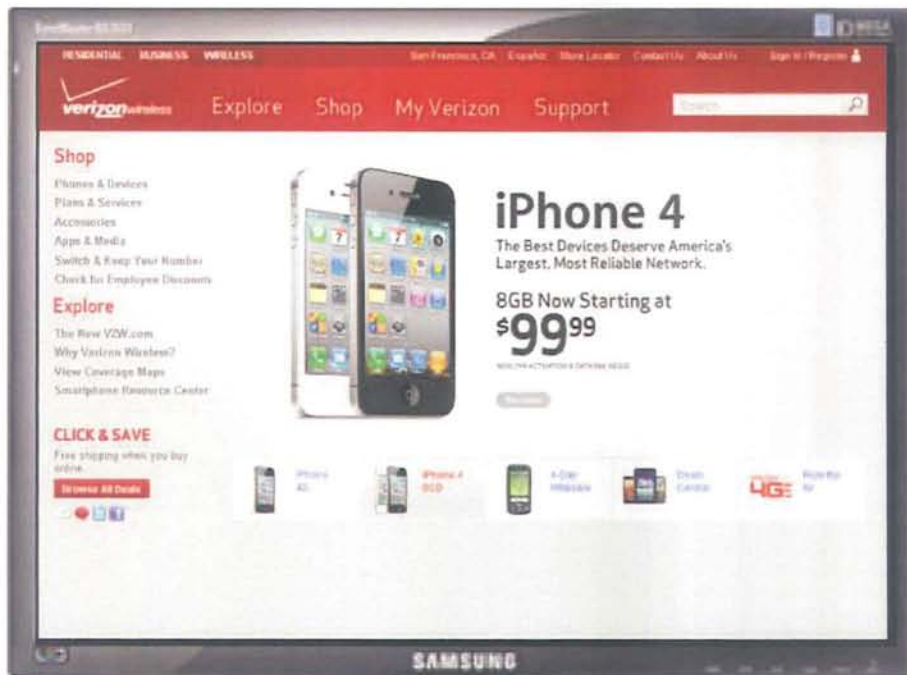


SAMSUNG DROID
CHARGE

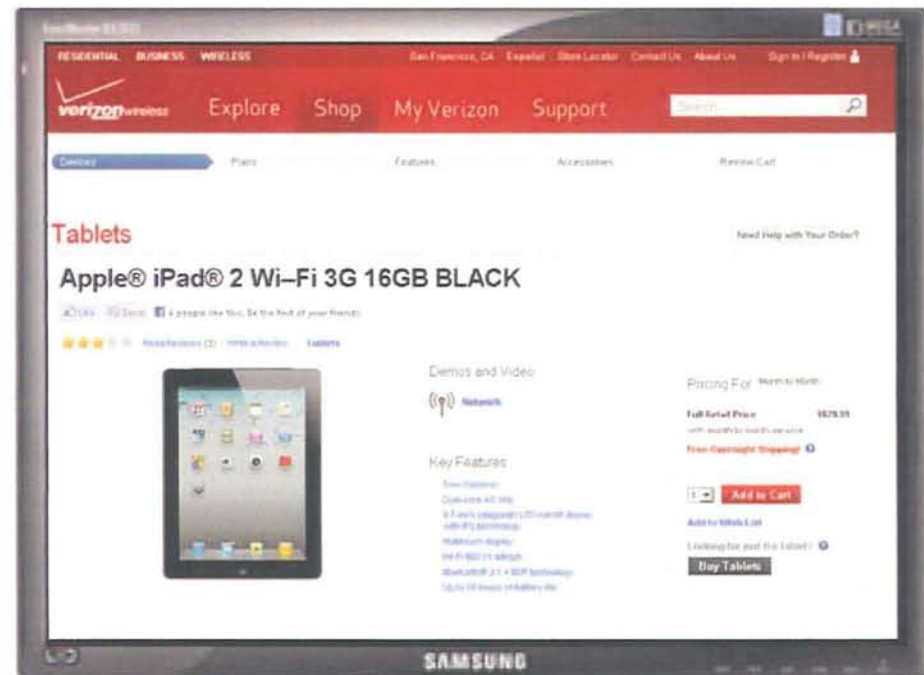


SAMSUNG GALAXY Tab
10.1

Verizon Notes Harm Even Though It Sells Apple's iPhone and iPad



 iPhone 4



 iPad 2

Apple on Public Interest Considerations

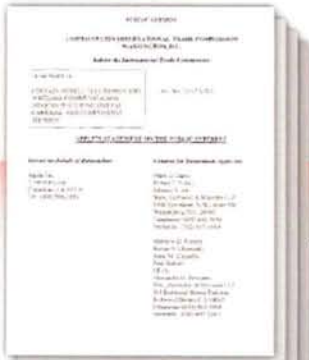


Apple's Statement on the Public Interest

Apple's iPhones are used everyday in the United States by millions of consumers to perform a countless number of essential personal, commercial, governmental, and safety-related tasks unrelated to the digital camera functionality at issue in this Investigation, including: (i) placing and receiving phone calls; (ii) sending and receiving text messages and e-mails; (iii) navigation; (iv) managing contact information; (v) managing calendars and schedules; (vi) mobile banking and e-commerce; (vii) monitoring weather and managing investments; and (viii) accessing the internet, among many others tasks... Thus, when considering the countless tasks that the iPhone products perform, it is clear that the value of the accused digital camera technology is a small fraction of the overall economic value of the accused iPhone products to U.S. consumers.

-p. 1

Apple on Public Interest Considerations



Apple's Statement on the Public Interest

An exclusion order would also impose undue burden on numerous other third parties, including at least Apple's component manufacturers, network carriers, and accessories suppliers.

-p. 3

Apple on Public Interest Considerations



Apple's Statement on the Public Interest

Consumers rely on cellular phones for security because, among other reasons, cellular phones enable consumers to gain quicker access to emergency personnel when away from home. Consequently, eliminating Apple's iPhone products from the U.S. cellular handset market may adversely affect the market trend towards smart-phones as the preferred telecommunications technology and the sense of security cellular handsets provide to consumers.

-p. 4






Woodring Daubert

Comparison of Expert Qualifications



Cooper Woodring








-  Has not designed a smartphone or tablet
-  Has not worked with telecommunications carriers
-  Ignores most relevant prior art
-  Fails to account for functionality of design
-  Relies on J.C. Penney consumer research from 1970s and 1980s



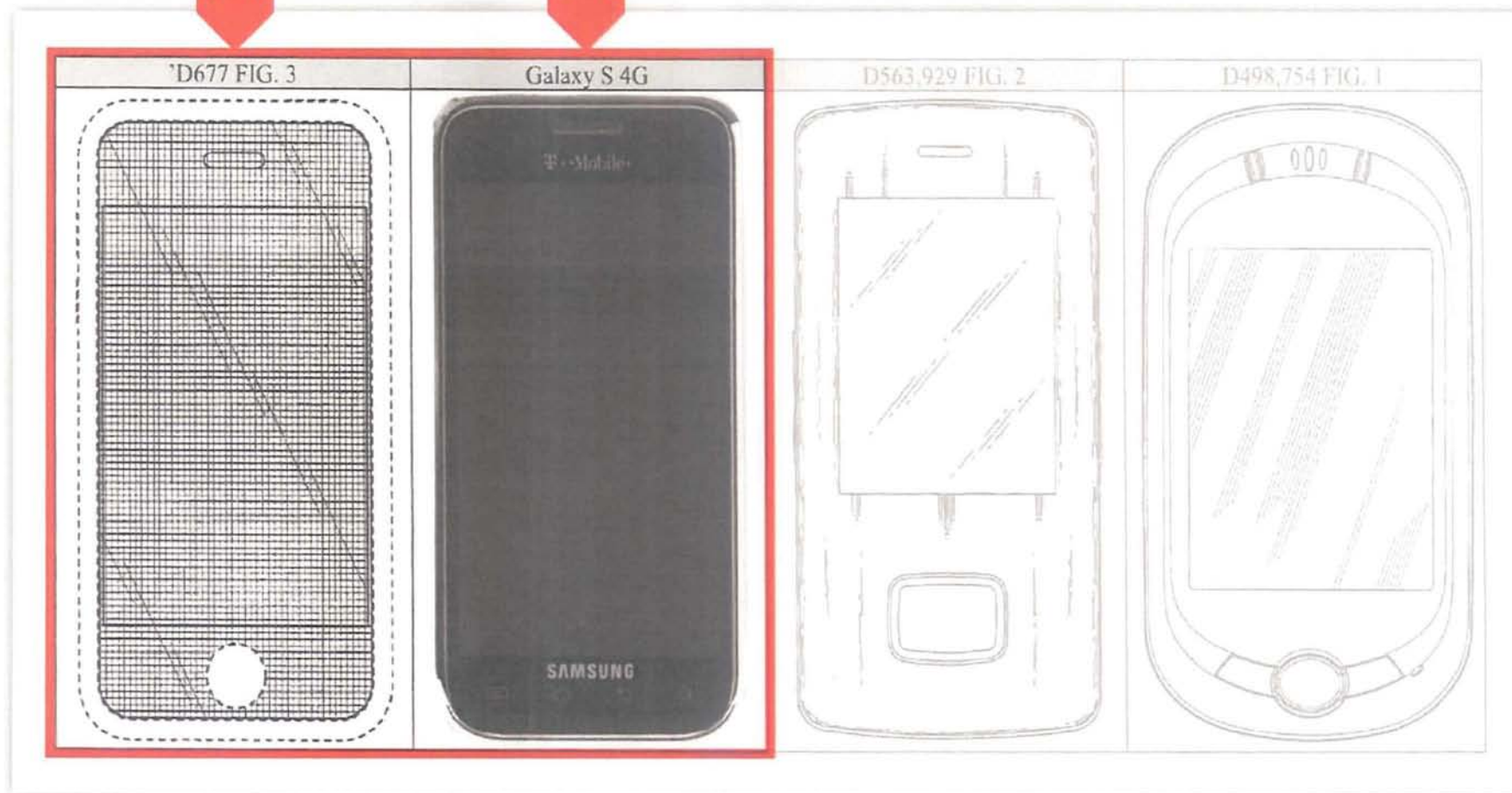
Itay Sherman

SAMSUNG

-  Lead designer on multiple handset devices including modu products
-  CTO for TI Mobile Connectivity group; CTO for modu LTD
-  Considers wide range of prior art—including many not seen by the PTO during prosecution
-  Excluded functional elements, as law requires
-  Does not speculate as to consumer perception

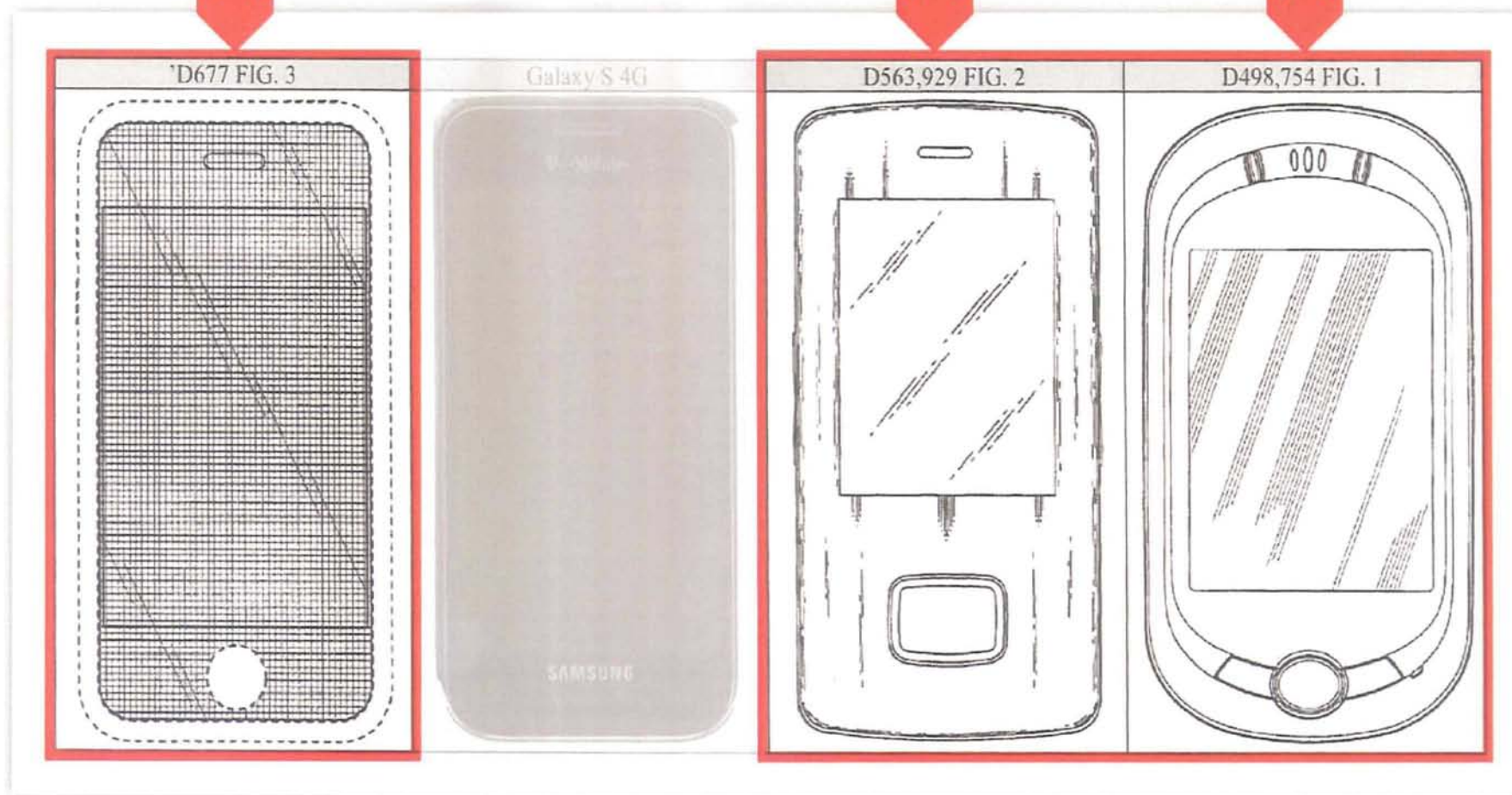
Woodring's Improper Analysis

"entirely overlaps"
"minor differences"



Woodring's Improper Analysis

"far afield"
"departs conspicuously"



Sherman's Proper Analysis

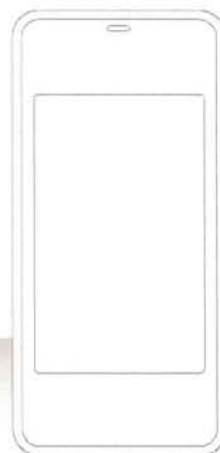
"far afield"?
"departs conspicuously"?



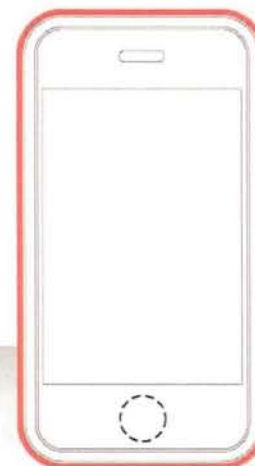
JP1009317



JP1241383



JP1241638



 D'087

Sherman's Proper Analysis

~~"far afield"?~~
~~"departs conspicuously"?~~



JP1009317



JP1241383



JP1241638



Apple D'087



"obvious"

Little Differences Mean a Lot



Cooper Woodring Apple's expert

- Q. And it's true that when a design is reduced to a level of simplicity little things mean a lot?
- A. They can.
- Q. You, yourself, have said that; true?
- A. I have.
- Q. Was it true when you said it?
- A. Yes, of course.
- Q. It's something you still believe today?
- A. I said that in a certain context that may not apply to every situation. In general it—it's true that a—small nuances would be less noticeable on a highly-complex design than they would on a—a more simple design.

-30:8-23

Woodring Is Not Qualified to Provide Expert Opinions



Cooper Woodring Apple's expert

Q. What is "4G"?

A. I don't know.

Q. Does Apple have a 4G phone?

A. I don't know.

-41:2-8

Woodring Is Not Qualified to Provide Expert Opinions



Cooper Woodring Apple's expert

Q. Are you an expert in to the reasons why consumers buy iPhones?

A. Not specifically with regard to why they buy iPhones.

Q. Are you an expert as to why consumers buy iPad products?

A. Not specifically with regard to why they buy iPad products.

Q. Are you an expert in why consumers buy smartphones?

A. No.

-81:2-17

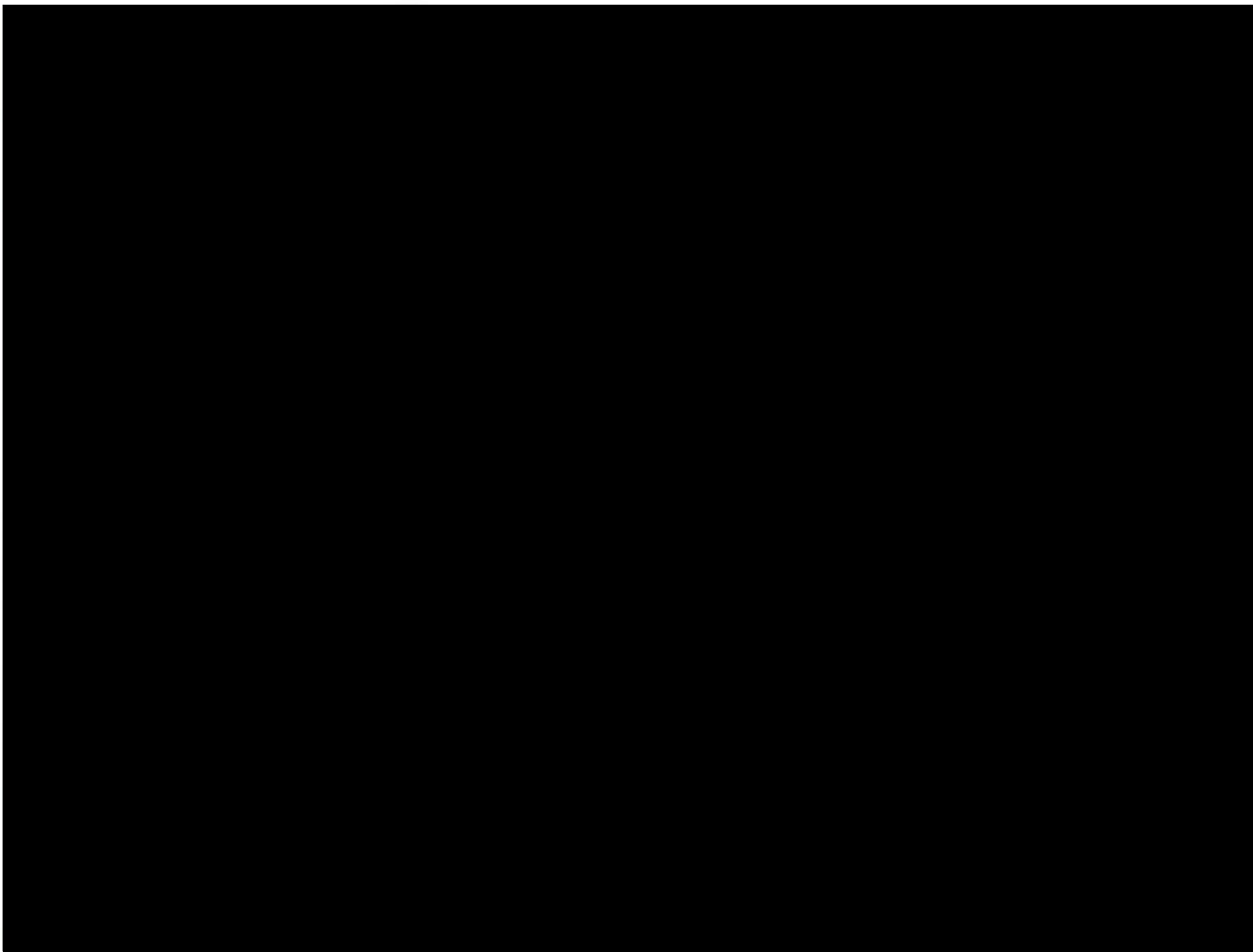
Woodring Is Not Qualified to Provide Expert Opinions



Cooper Woodring Apple's expert

- Q. Did J.C. Penney sell—have any smartphones that it sold when you were there?
- A. I left in 1986, so I don't think so.
- Q. Have you ever worked at any retailer or any other vendor of smartphone products such that you were in a position to observe consumer behavior insofar as it related to the purchase or observation of smartphones or tablet computers?
- A. I've never worked in a retail environment that sold tablet computers or smartphones.

-108:3-12



JCPenney: Christmas 1986

