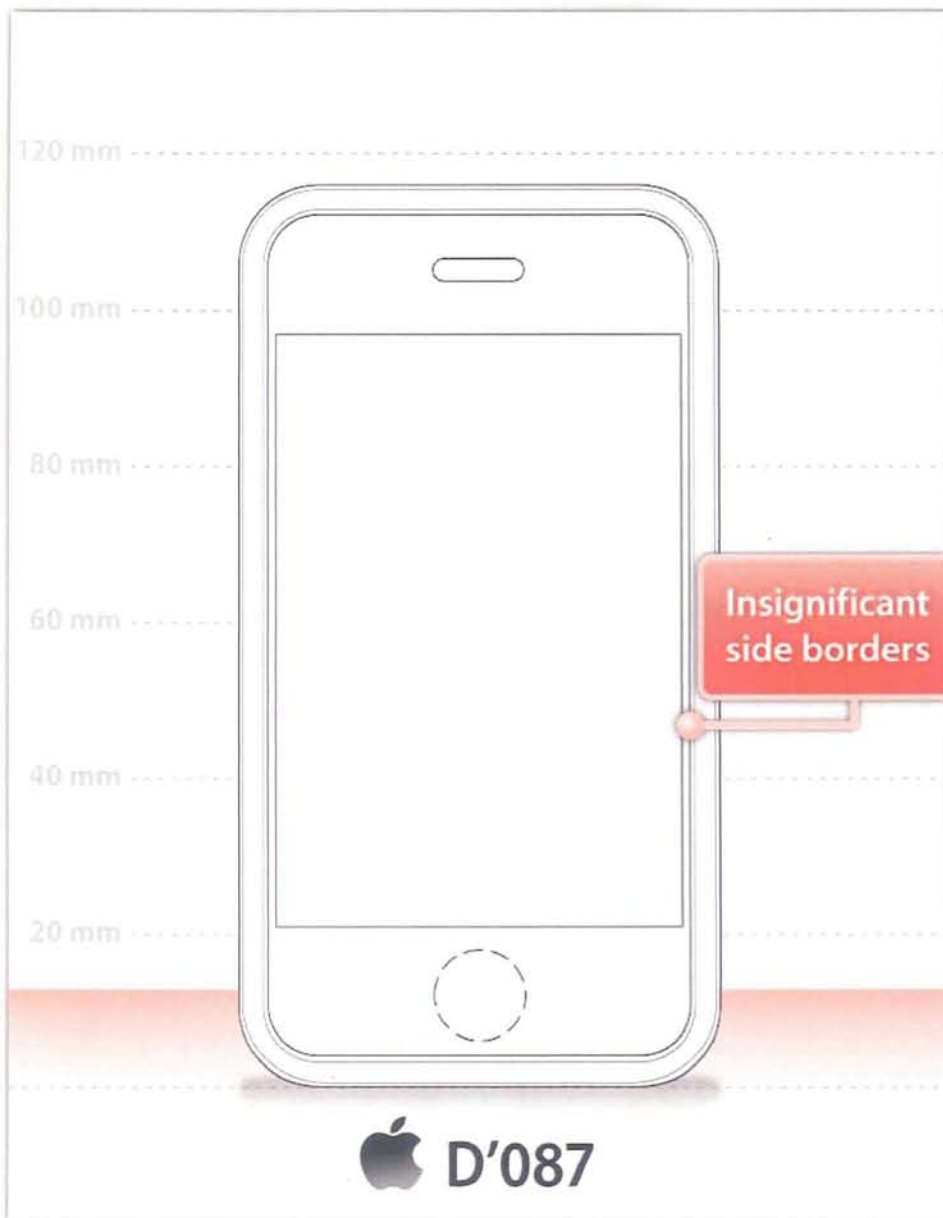


EXHIBIT X-3
(Public Redacted Version)

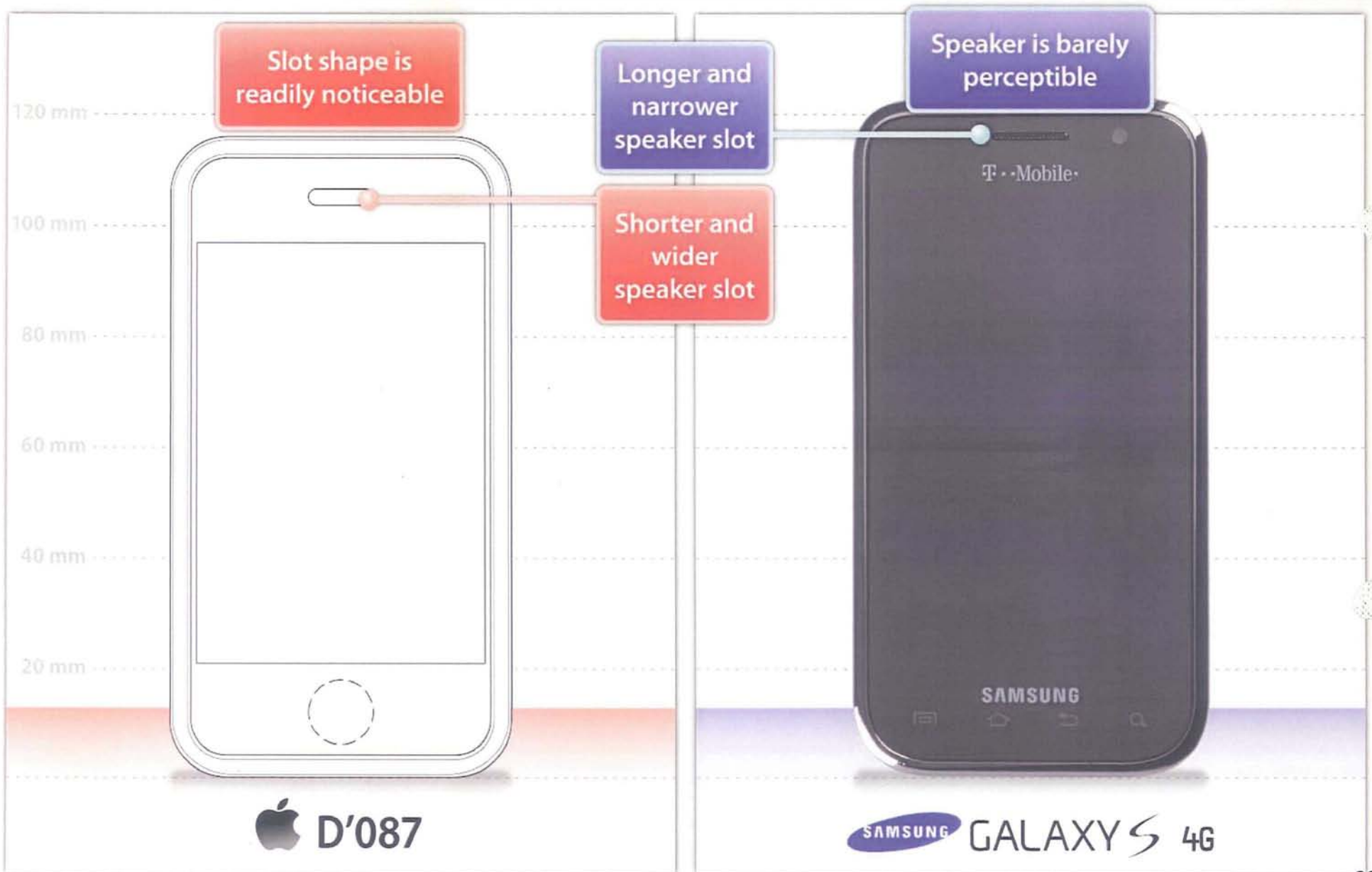
Design Differences for Galaxy S 4G Are Not "Minute" or "Minor": Rounded Corners



Design Differences for Galaxy S 4G Are Not "Minute" or "Minor": Borders



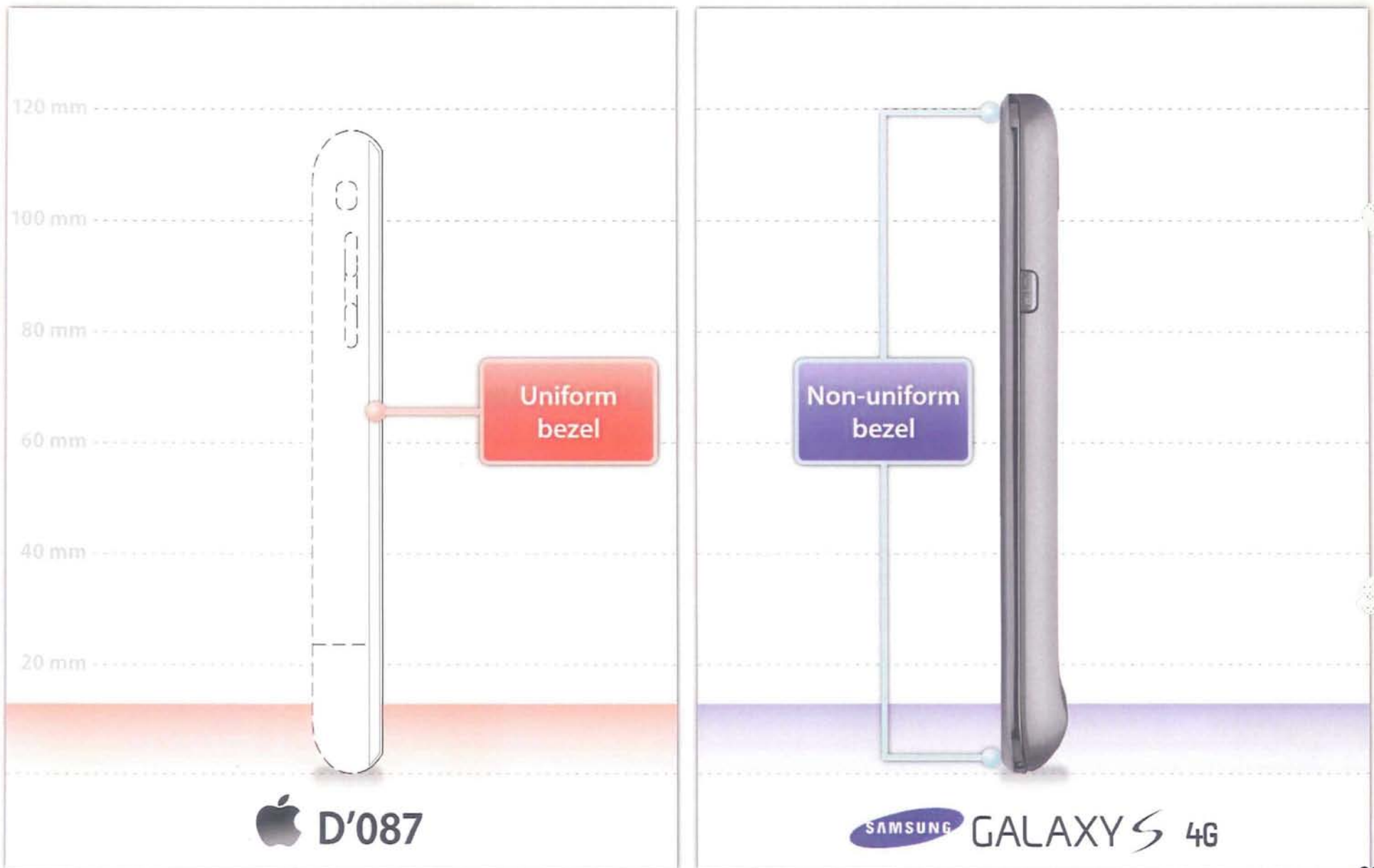
Design Differences for Galaxy S 4G Are Not "Minute" or "Minor": Speaker Appearance



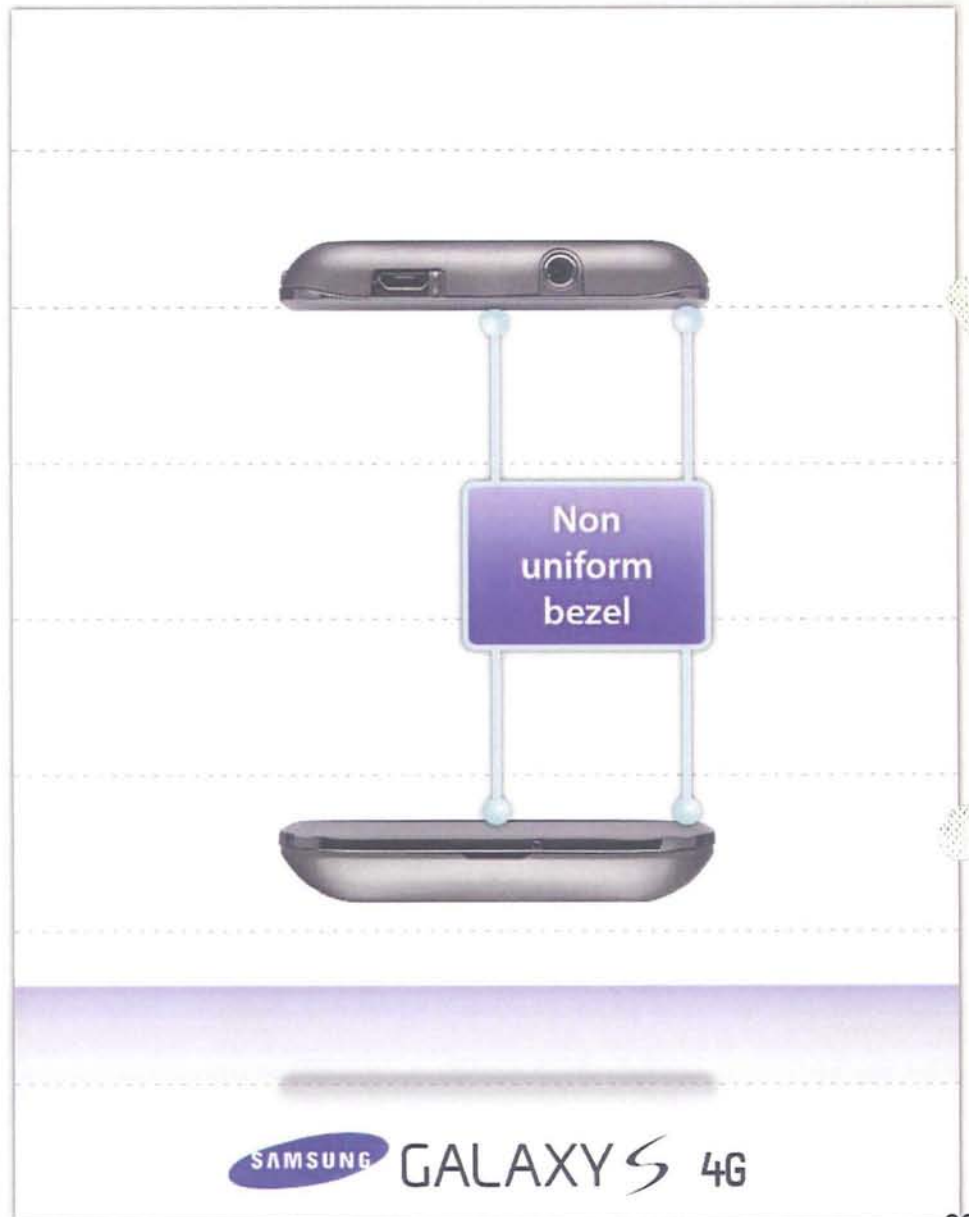
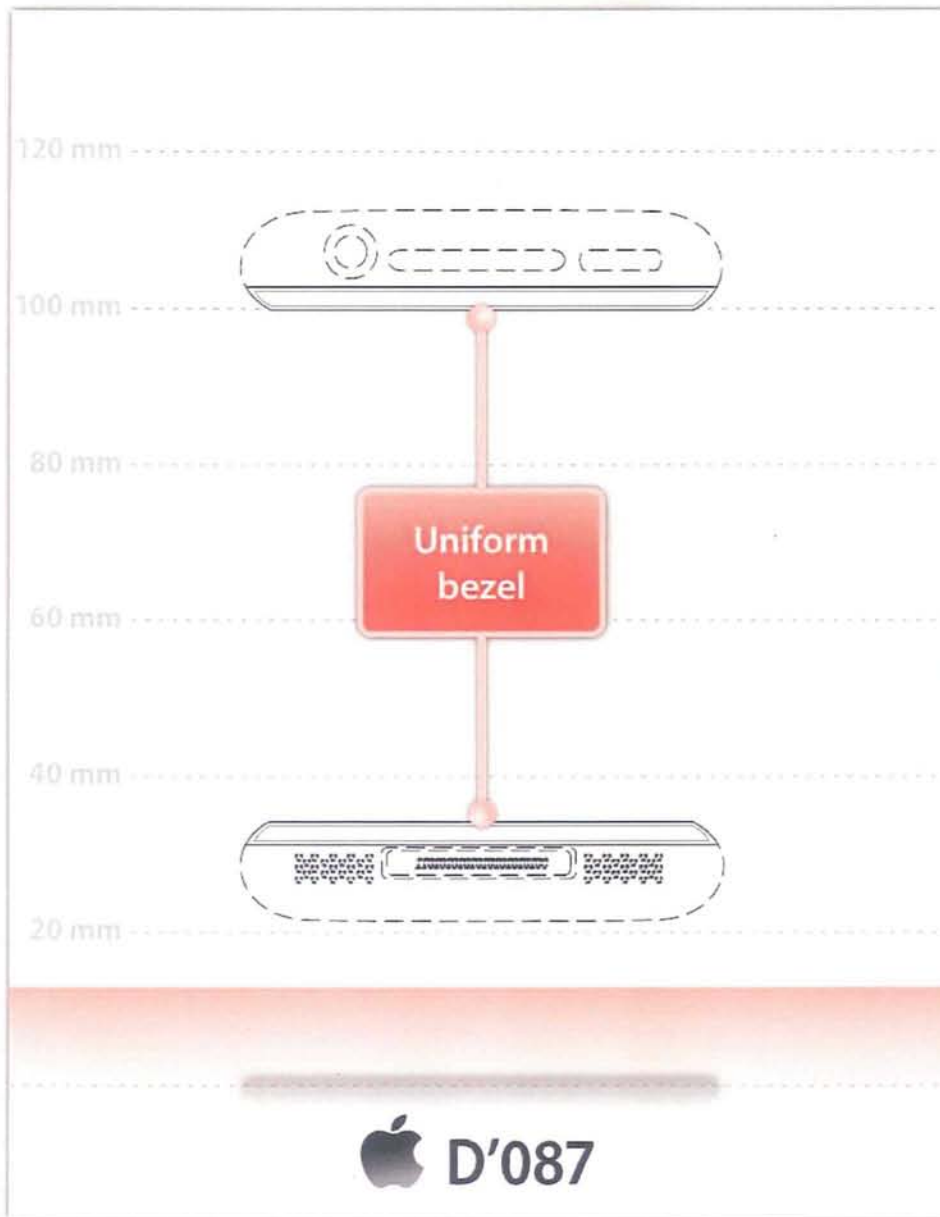
Design Differences for Galaxy S 4G Are Not “Minute” or “Minor”: Speaker Placement



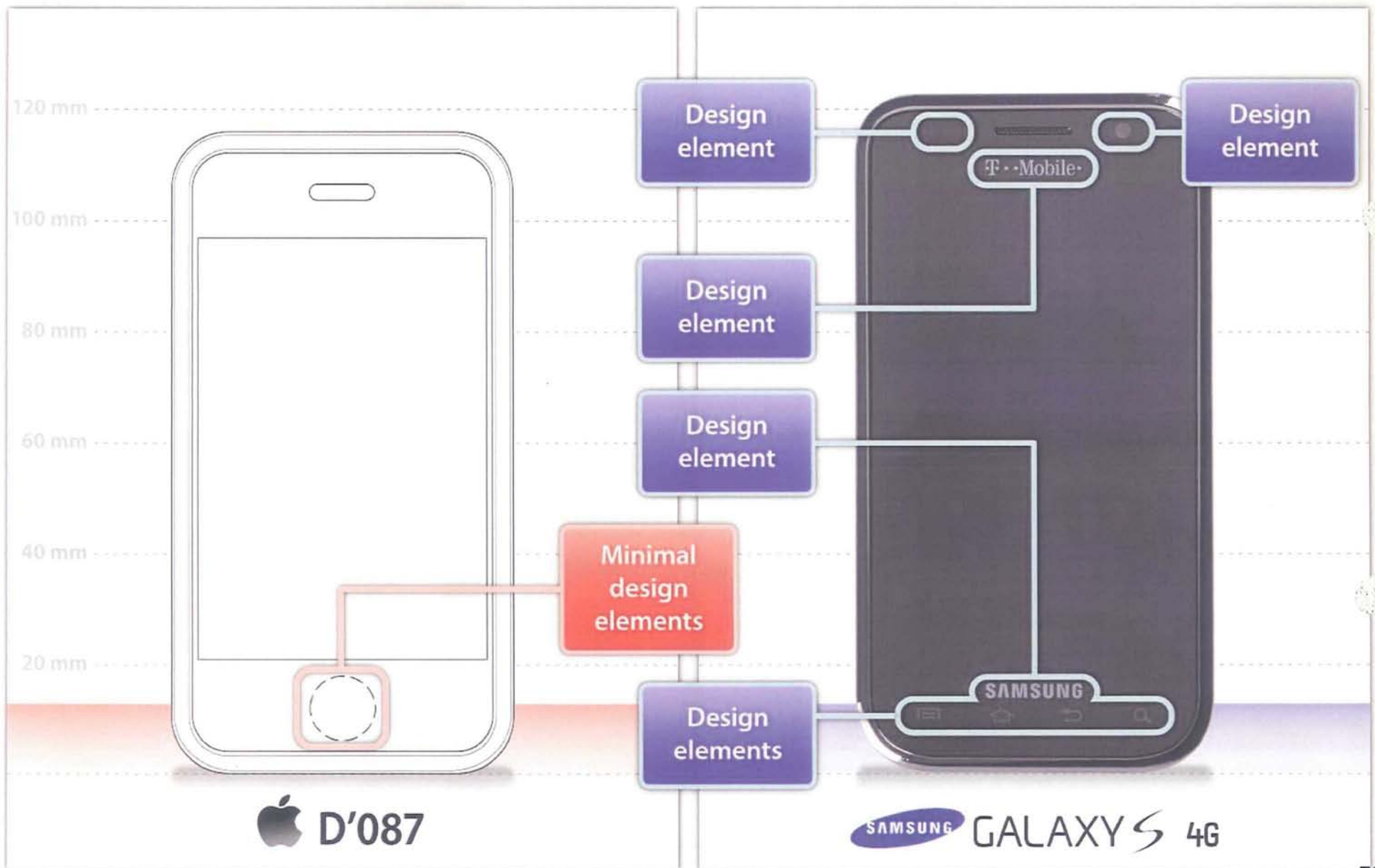
Design Differences for Galaxy S 4G Are Not “Minute” or “Minor”: Bezel Comparison



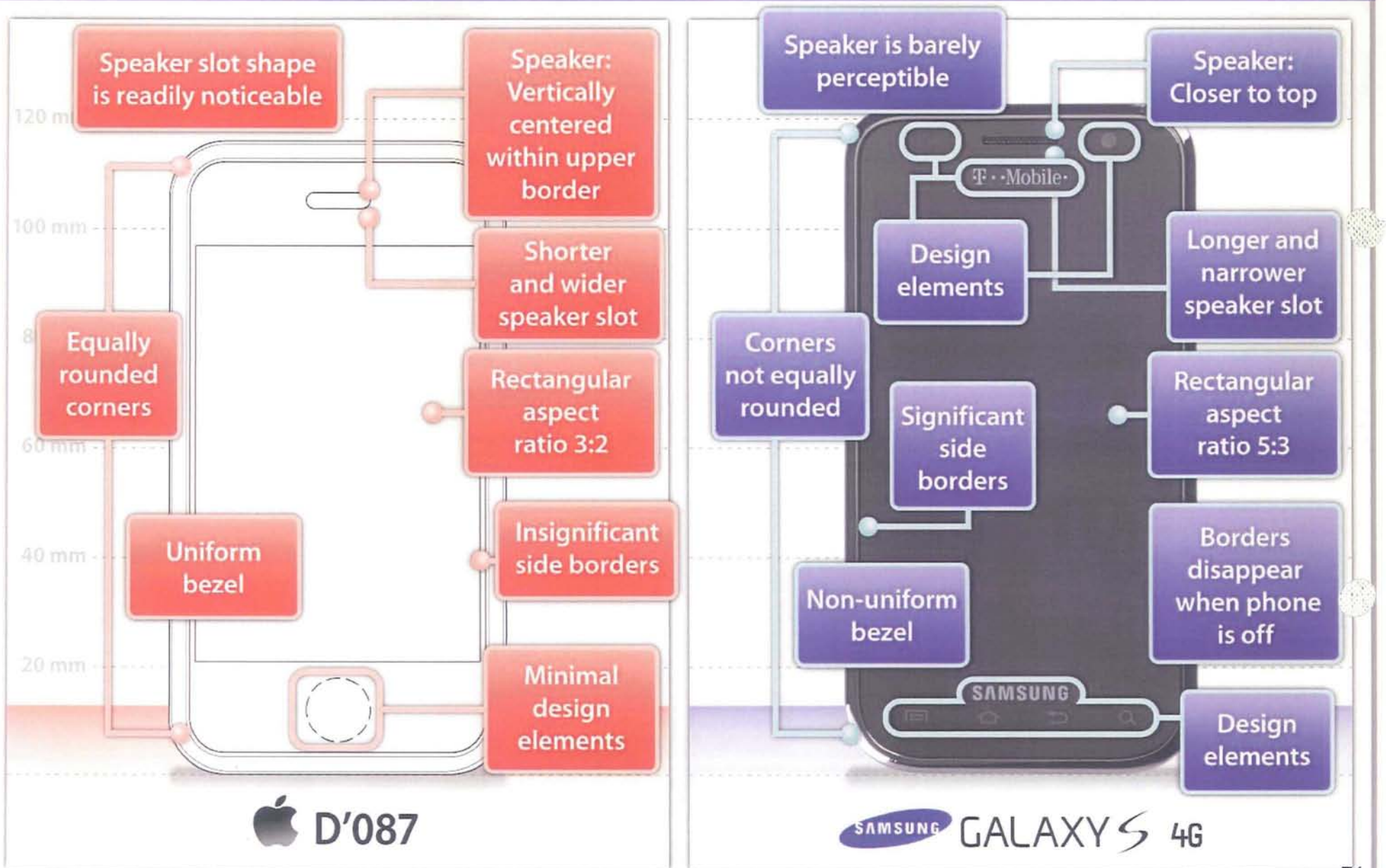
Design Differences for Galaxy S 4G Are Not "Minute" or "Minor": Bezel Comparison



Design Differences for Galaxy S 4G Are Not "Minute" or "Minor": Lack of Ornamentation



Design Differences for Galaxy S 4G Are Not "Minute" or "Minor"



Apple D'087

SAMSUNG GALAXY S 4G

Apple's Fluid Construction of D'677 and D'087

- Apple's construction of its design patents differs depending on whether Apple is arguing infringement or obviousness
- When considering the same set of differences, Apple finds them:
 - Major for obviousness analysis
 - Minor for infringement analysis

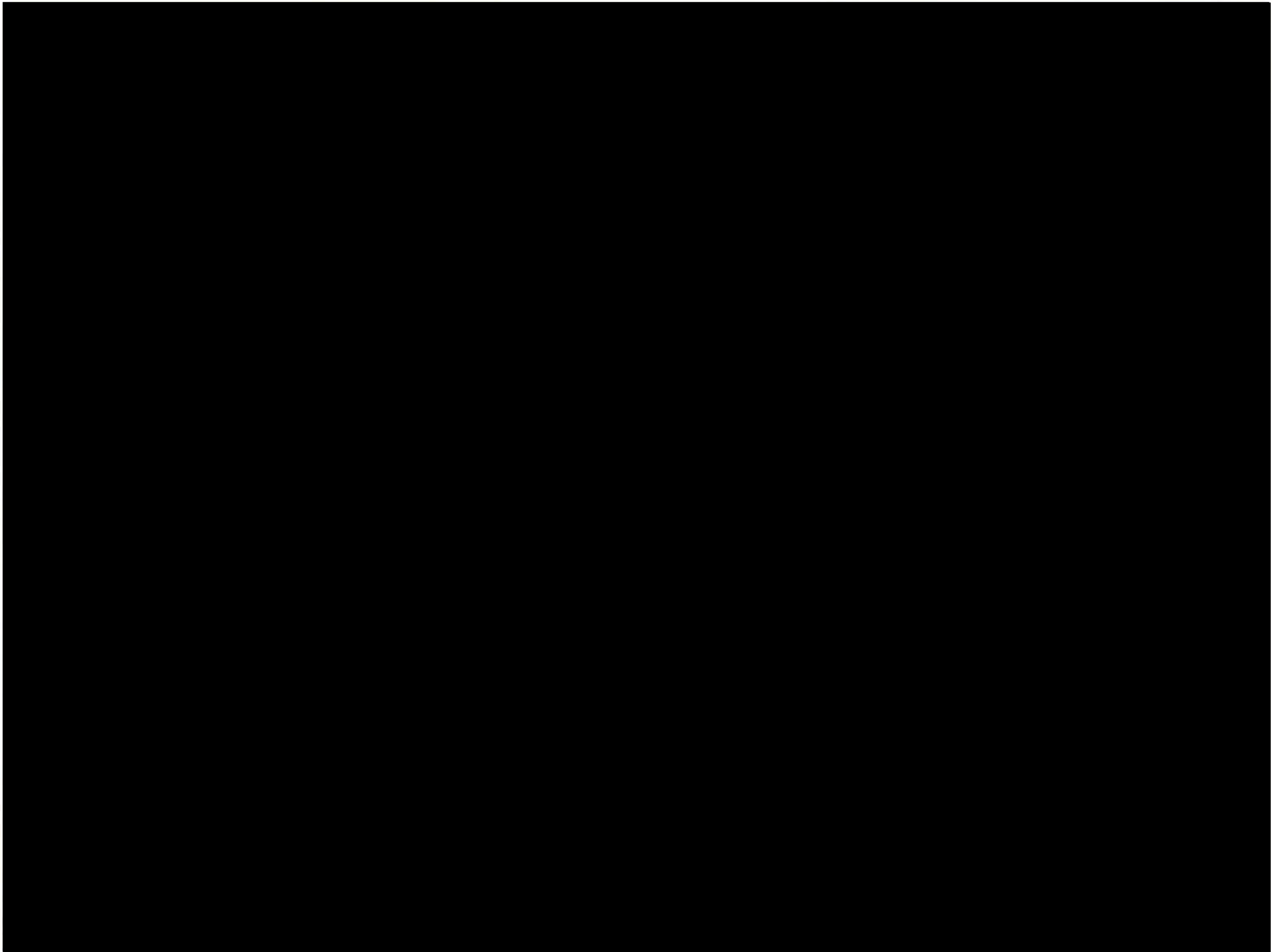
Obviousness

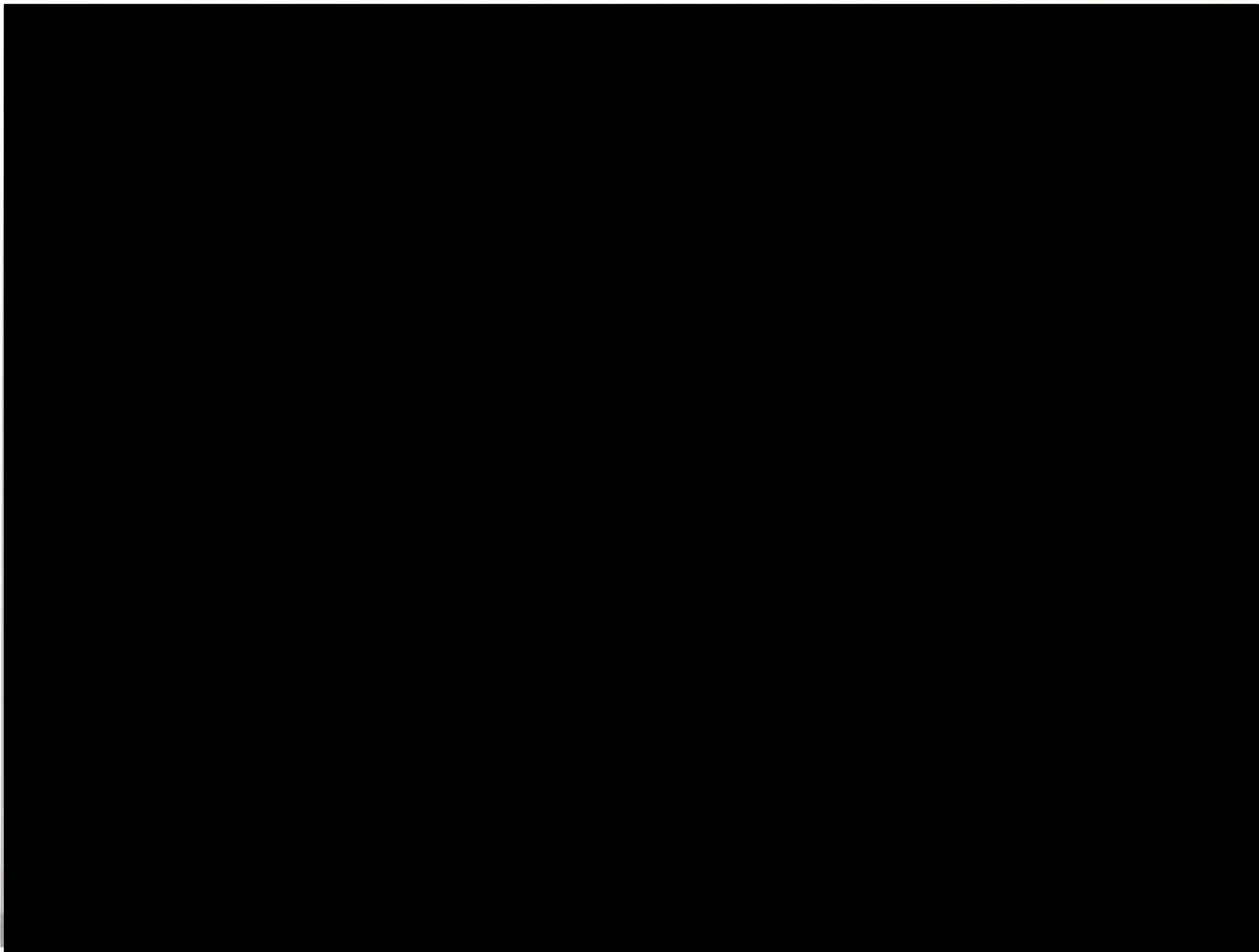
- For design patents, the Federal Circuit has adopted “identical tests” for infringement, anticipation and obviousness.

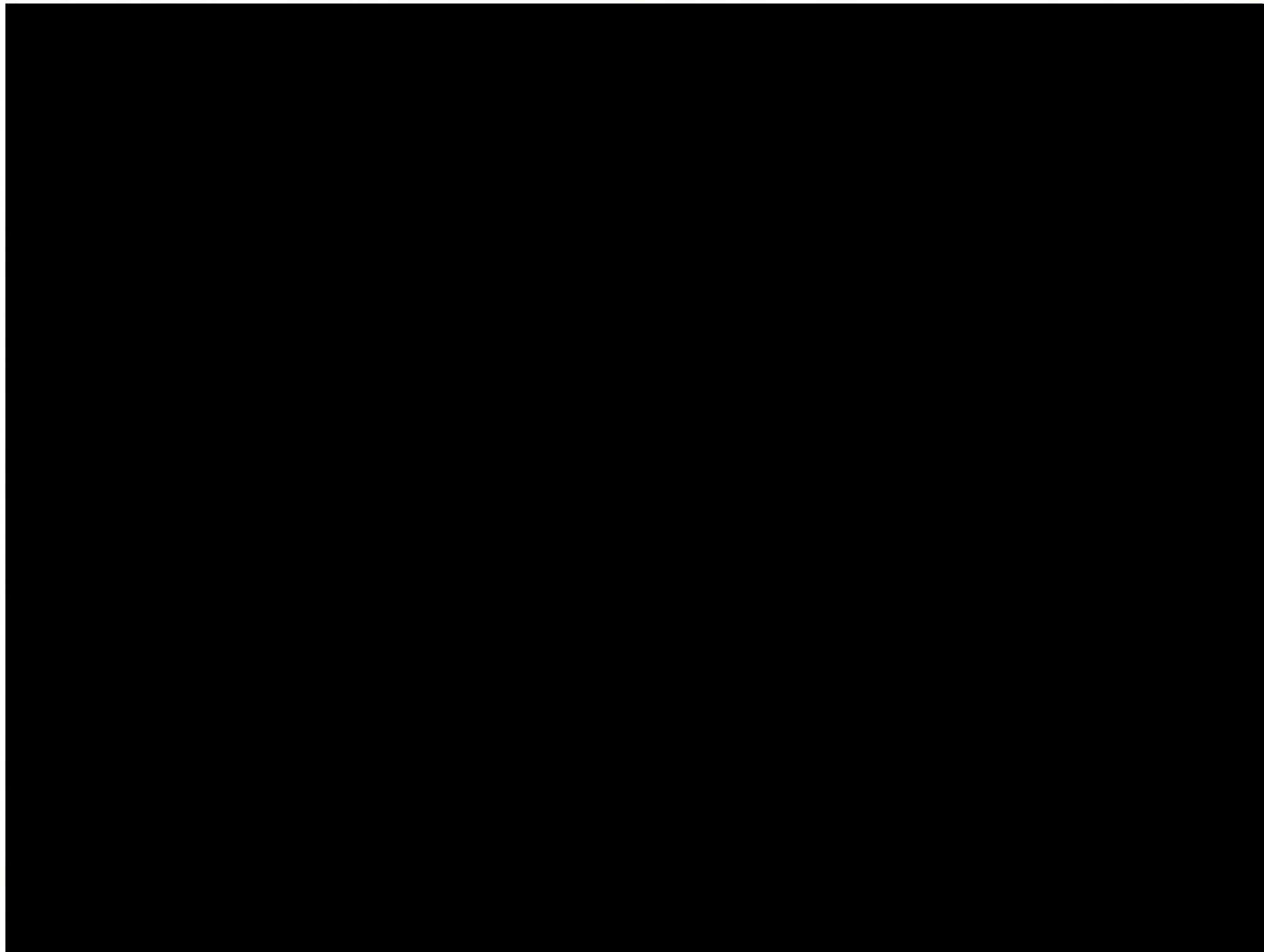
–International Seaway Trading Corp. v. Walgreens Corp.,
589 F.3d 1233, 1240 (Fed. Cir. 2009).

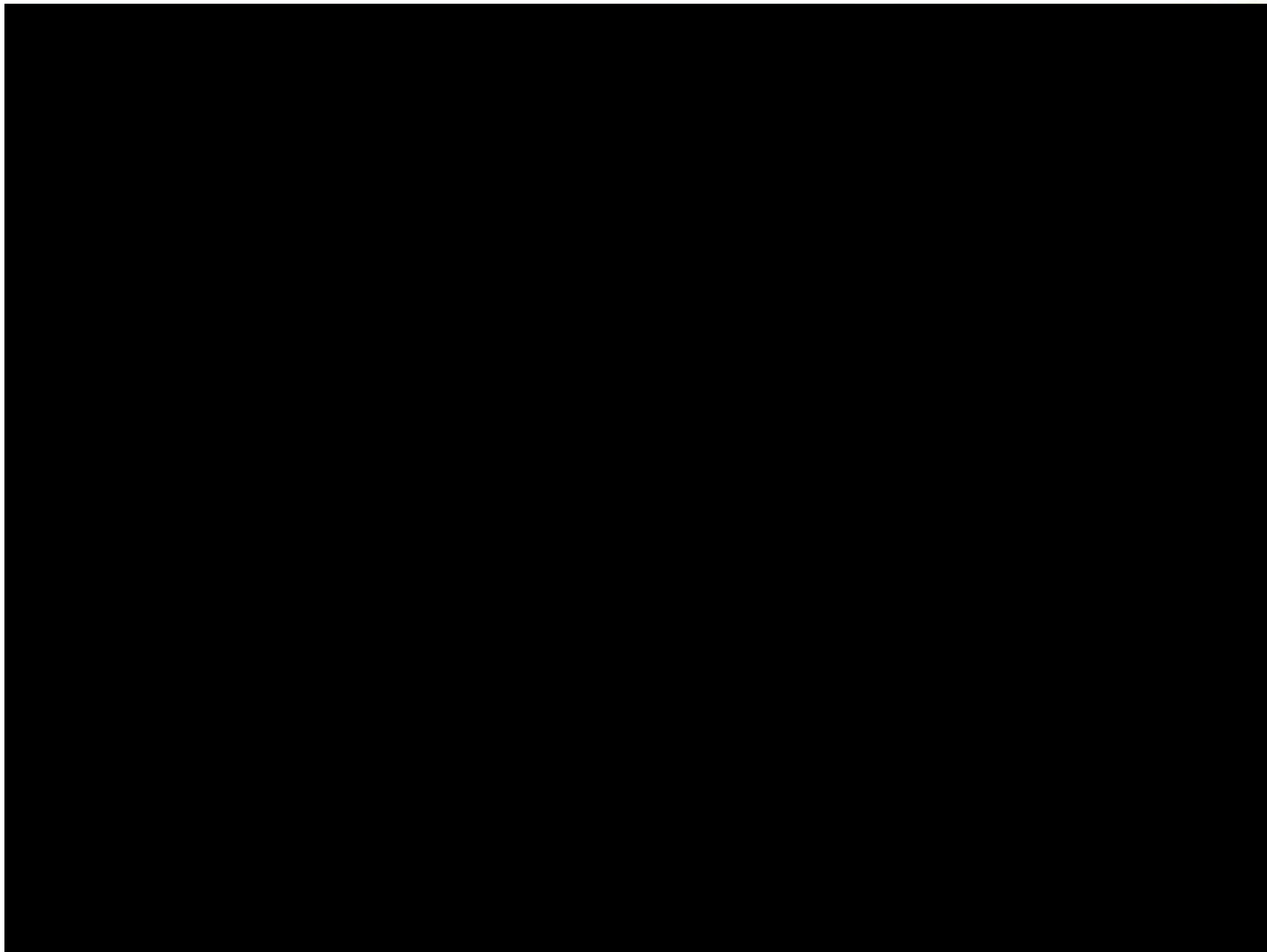
- “Obviousness, like anticipation, requires application of the ordinary observer test, not the view of one skilled in the art.”

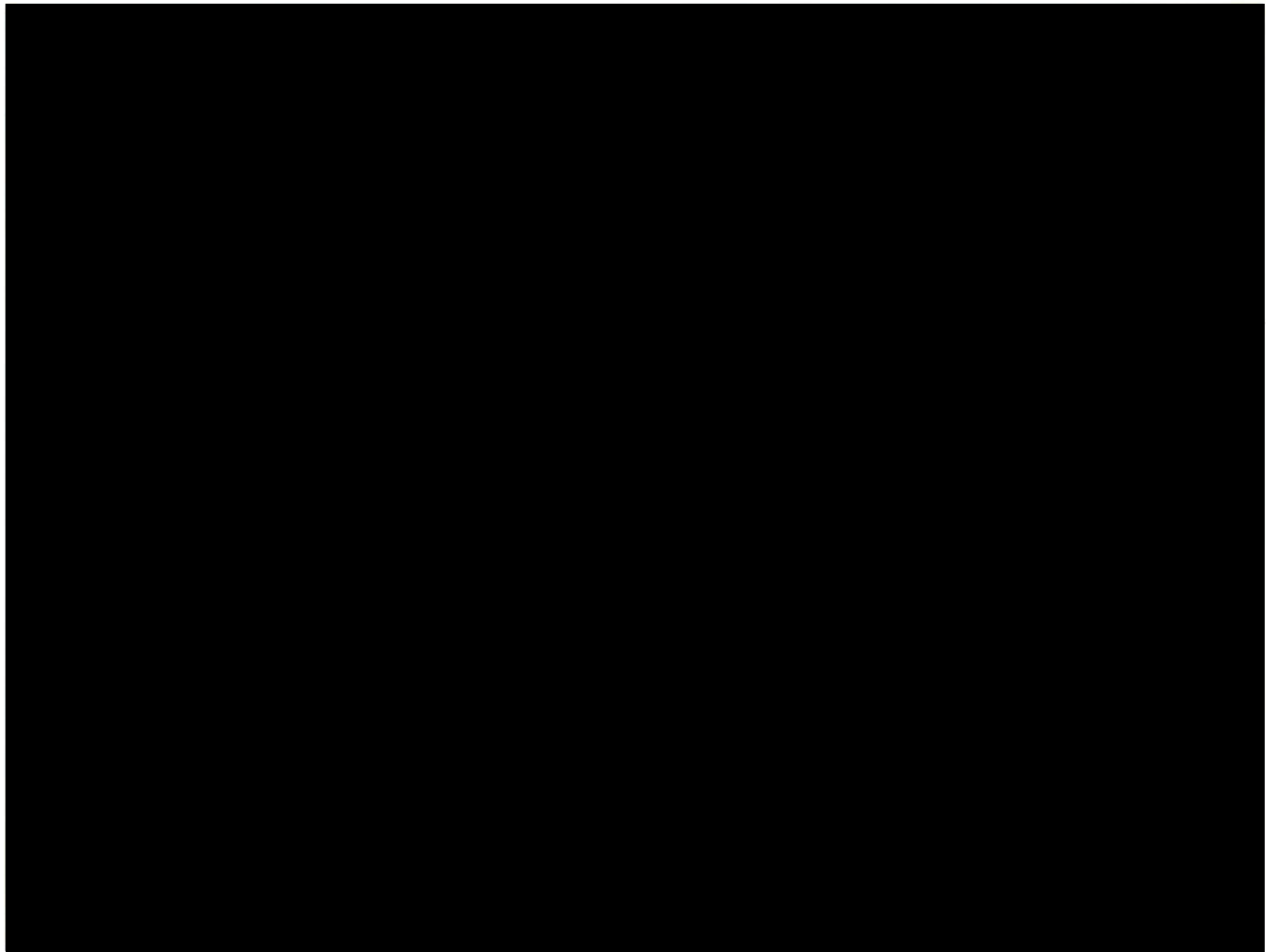
–Id.











Apple Is Not Likely to Prevail on the D'677 and D'087 Patents

Samsung has raised “substantial questions” concerning validity of D'677 and D'087

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 Is Not Likely to Prevail on D'889

- D'889 patent is:
 - Invalid because it is obvious
 - Invalid because it is indefinite
 - Not infringed

Animation to be played here: **tablet_movies.swf**

Tablet Design Has Been Obvious for Decades



1990

Fidler Presentation Video



1994

"The Tablet Newspaper, a Vision for the Future"



2002

Hardware Zone Compaq Tablet PC TC1000 preview

Apple's D'889 Patent Is Not Novel

"Vulnerability is the issue at the preliminary injunction stage."

—Altana Pharma v. Teva Pharm., 566 F.3d 999, 1006 (Fed. Cir. 2009)

1981

Fidler tablet



1997

Fidler tablet
(used in mall surveys)



1994

Knight-Ridder tablet



2003

JP 1178470



1995

Fidler tablet



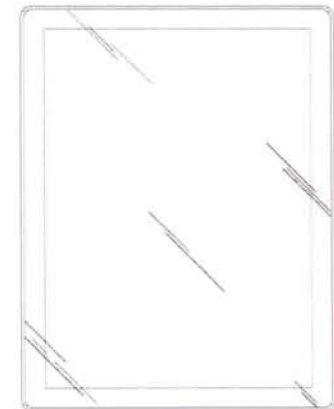
2003

Bloomberg tablet



3/17/2004

Apple D'889
filed

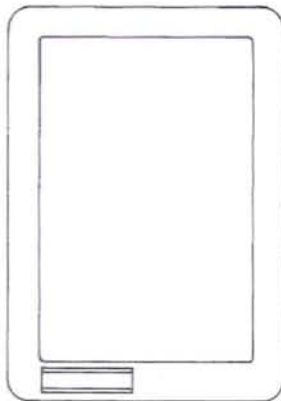


Apple's D'889 Patent Is Not Novel

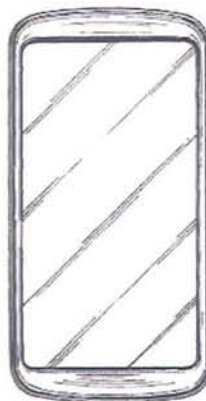
"Vulnerability is the issue at the preliminary injunction stage."

–Altana Pharma v. Teva Pharm., 566 F.3d 999, 1006 (Fed. Cir. 2009)

1993
JP 0887388
issued



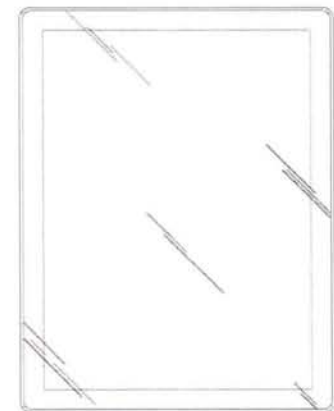
1993
D'569
issued



1995
JP 0921403
issued



3/17/2004
D'889
filed



Prior Art Similarities

Prior Art

1981

Fidler tablet



1994

Knight-Ridder tablet



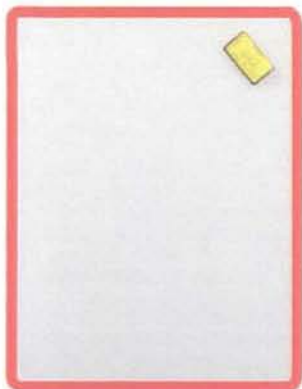
1995

Fidler tablet



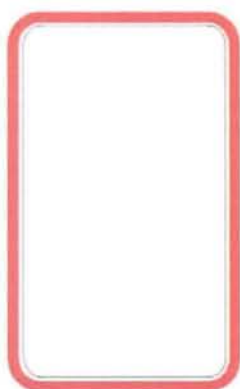
1997

Fidler tablet
(used in mall surveys)



2003

JP 1178470



2003

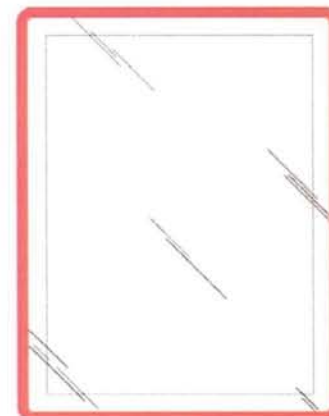
Bloomberg tablet



Rectangular shape

 Design

 D'889



Prior Art Similarities

Prior Art

1981

Fidler tablet



1994

Knight-Ridder tablet



1995

Fidler tablet



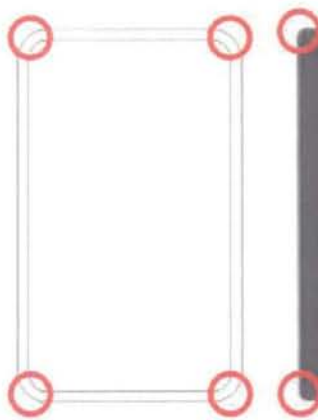
1997

Fidler tablet
(used in mall surveys)



2003

JP 1178470



2003

Bloomberg tablet

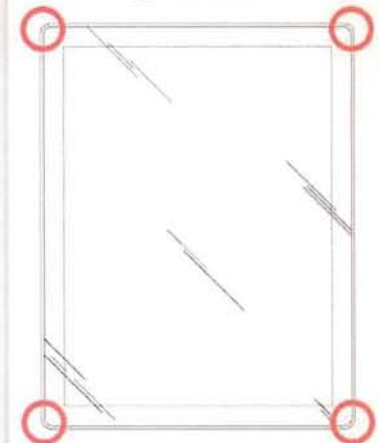


Rectangular shape

Four evenly rounded corners

 Design

 D'889



Prior Art Similarities

Prior Art

1981

Fidler tablet



1994

Knight-Ridder tablet



1995

Fidler tablet



1997

Fidler tablet
(used in mall surveys)



2003

JP 1178470



2003

Bloomberg tablet



Rectangular shape

Four evenly rounded corners

Flat, clear front surface

 Design

 D'889



Prior Art Similarities

Prior Art

1981

Fidler tablet



1997

Fidler tablet
(used in mall surveys)



1994

Knight-Ridder tablet



2003

JP 1178470



1995

Fidler tablet



2003

Bloomberg tablet



Rectangular shape

Four evenly rounded corners

Flat, clear front surface

Front surface without ornamentation

 Design

 D'889



Prior Art Similarities

Prior Art

1981

Fidler tablet



1994

Knight-Ridder tablet



1995

Fidler tablet



1997

Fidler tablet
(used in mall surveys)



2003

JP 1178470



2003

Bloomberg tablet



Rectangular shape

Four evenly rounded corners

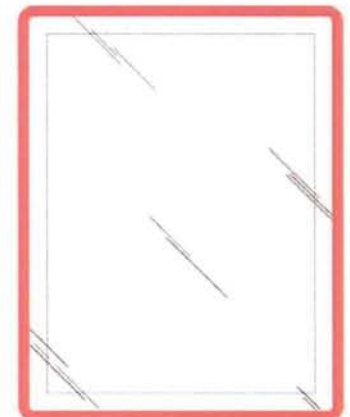
Flat, clear front surface

Front surface without ornamentation

Thin rim surrounding the front surface

 Design

 D'889



Prior Art Similarities

Prior Art

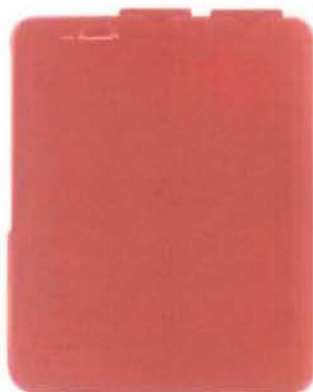
1987

Fidler tablet



1994

Knight-Ridder tablet



1995

Fidler tablet



1997

Fidler tablet
(used in mall surveys)



2003

JP 1178470



2003

Bloomberg tablet



Rectangular shape

Four evenly rounded corners

Flat, clear front surface

Front surface without ornamentation

Thin rim surrounding the front surface

Substantially flat back panel rounds up near the edges

 Design

 D'889



Prior Art Similarities

Prior Art

1981
Fidler tablet

1994
Knight-Ridder tablet



1995
Fidler tablet

1997
Fidler tablet
(used in mall surveys)



2003
JP 1178470



2003
Bloomberg tablet

Rectangular shape

Four evenly rounded corners

Flat, clear front surface

Front surface without ornamentation

Thin rim surrounding the front surface

Substantially flat back panel rounds up near the edges

A thin form factor

 Design

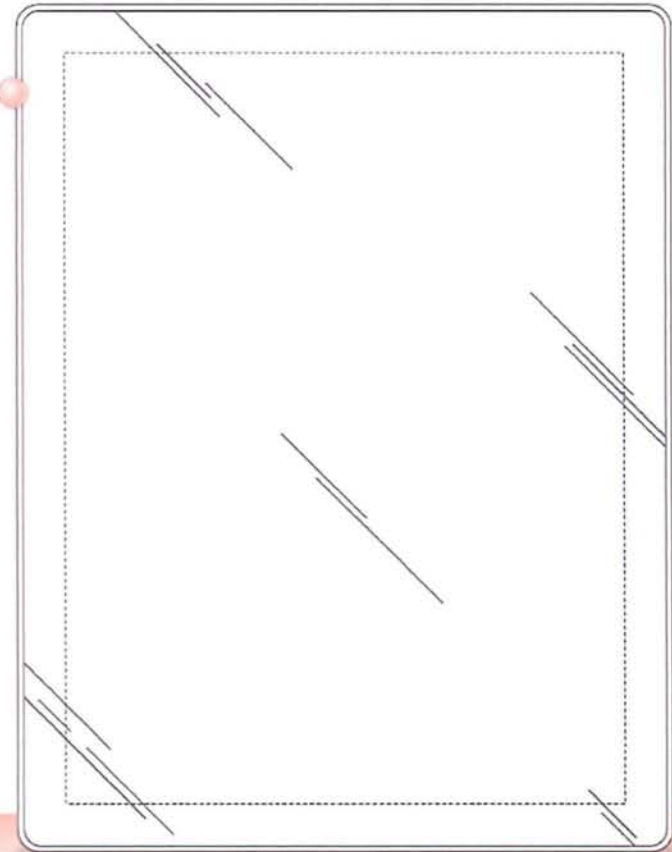
 D'889



Apple's Design Features Are Functional

Rectangular shape

- Standard shape for reading media and viewing screens
- Convenient shape for being held by a human hand
- Follows form of display screen component

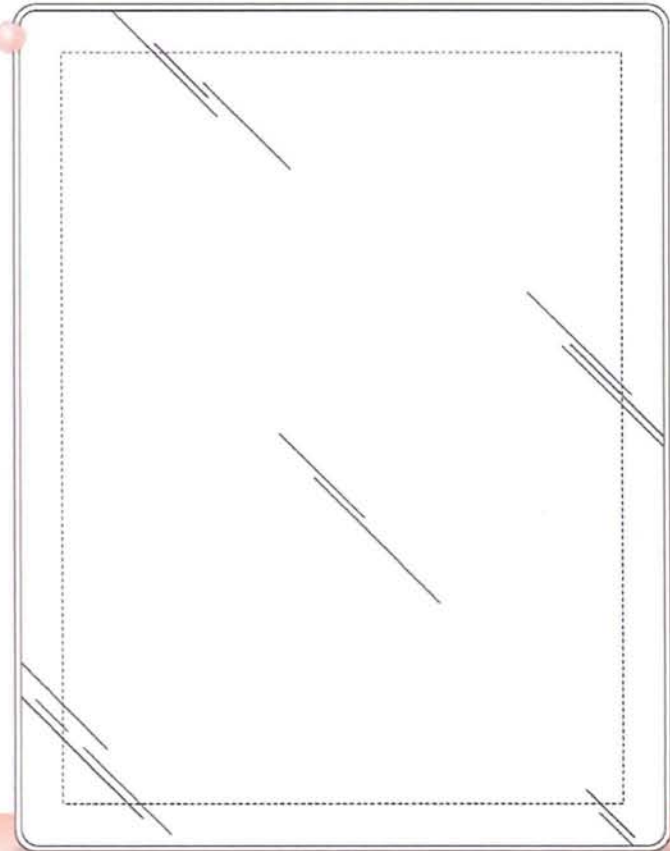


 D'889

Apple's Design Features Are Functional

Rounded corners

- Avoid injuring the user
- Avoid snagging on clothing and bags
- Easier to manufacture from molds
- Greater structural integrity than sharp corners

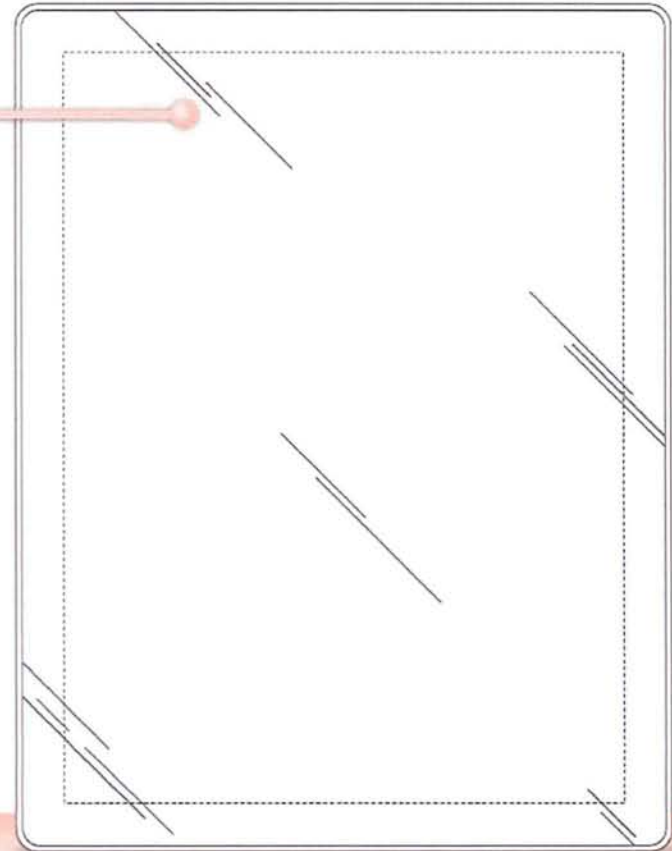


 D'889

Apple's Design Features Are Functional

Flat surface:

- Flat display screen dictates need for flat front surface
- Touch technology allows for removal of physical keys, minimizing chances of dust or water encroachment

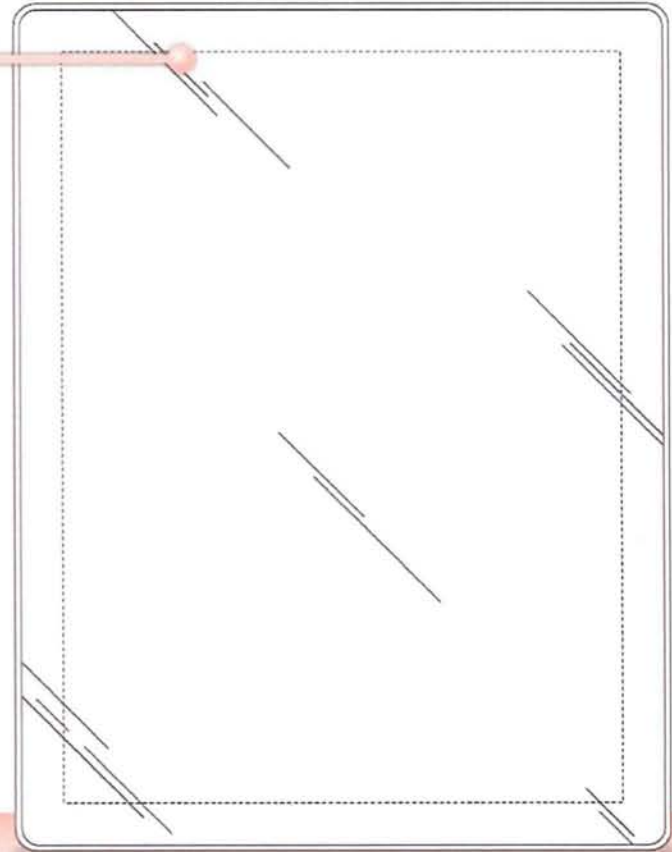


 D'889

Apple's Design Features Are Functional

Clear surface without ornamentation

- Allows unimpeded viewing of the display
- By definition—not ornamental
- Enhances user experience by not distracting from screen—primary purpose of a portable, multi-media device



 D'889