

EXHIBIT B

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19 Attorneys for SAMSUNG ELECTRONICS CO.,
20 LTD., SAMSUNG ELECTRONICS AMERICA,
21 INC. and SAMSUNG
22 TELECOMMUNICATIONS AMERICA, LLC

23 UNITED STATES DISTRICT COURT

24 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

25 APPLE INC., a California corporation,

26 Plaintiff,

27 vs.

28 SAMSUNG ELECTRONICS CO., LTD., a
Korean business entity; SAMSUNG
ELECTRONICS AMERICA, INC., a New
York corporation; SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

Defendant.

CASE NO. 11-cv-01846-LHK

**SAMSUNG'S PATENT LOCAL RULE 4-2
DISCLOSURES**

1 Samsung Electronics Co., Ltd. (“SEC”), Samsung Electronics America, Inc. (“SEA”), and
2 Samsung Telecommunications America, LLC (“STA”) (collectively “Samsung”) hereby serves its
3 Patent Local Rule 4-2 disclosures. Pursuant to Patent Local Rule 4-2(c), Samsung is prepared to
4 meet and confer with Apple at a mutually agreeable time and place for the purpose of narrowing
5 the issues and finalizing preparation of a Joint Claim Construction and Prehearing Statement.

6 Attached as Exhibit A is a chart setting forth the claim terms, phrases, and clauses that the
7 parties have identified for construction, the associated preliminary constructions proposed by
8 Samsung, and the preliminary identification of intrinsic and extrinsic evidence that supports
9 Samsung’s proposed constructions. Citations to particular sections of a document are intended to
10 indicate the nature of the reference and may not serve to limit the use of any other portion of the
11 document. Citations to patents are exemplary and not necessarily exhaustive. Derivative terms
12 and similar phrases with the same proposed constructions are grouped and listed where the first
13 instance appears in the asserted claims. Claim terms and phrases not expressly defined in this
14 document should be accorded their plain and ordinary meaning to persons of ordinary skill in the
15 art. Evidence cited as to one claim term or phrase may be relevant to other claim terms or phrases.

16 The proposed claim constructions and identification of extrinsic evidence are based on the
17 asserted claims identified in Samsung’s and Apple’s Disclosures under Patent Local Rule 3-1 and
18 3-2. If Apple asserts that other claims are relevant, Samsung reserves the right to propose claim
19 terms and claim elements and constructions for, and in light of, such additional claims. Samsung
20 also reserve the right to amend or withdraw any construction of a claim term and/or phrase
21 submitted herein or to identify new terms and/or phrases and to submit additional constructions of
22 claim terms and/or phrases should such amendments or additions be requested by the Court or
23 otherwise made necessary during the course of this action, including during the course of meeting
24 and conferring pursuant to Patent Local Rule 4-2(c). Because discovery in this action is in the
25 early stages, Samsung reserves the right to supplement or modify the positions and information in
26 this disclosure in light of information relevant to claim construction that may be disclosed during
27 the course of discovery.

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1 Samsung further reserves the right to supplement or amend its preliminary constructions in
2 light of Apple's forthcoming preliminary claim constructions and extrinsic evidence. Samsung
3 also reserves the right to supplement or amend its contentions due to inadequacy and vagueness of
4 Apple's forthcoming preliminary claim constructions. Additionally, Samsung reserves the right to
5 revise its contentions regarding claim terms, including elements that may be governed by 35
6 U.S.C. § 112(6), in view of Apple's proposed constructions and as discovery proceeds.

7 Samsung's preliminary claim constructions shall not act as a waiver of any defense of non-
8 infringement, invalidity or unenforceability of any patent Apple has asserted in this action.
9 Notwithstanding the preliminary claim constructions contained herein of any term, phrase, or
10 clause, Samsung expressly reserves the right to challenge the validity of any or all claims in the
11 patents Apple has asserted in this action on all possible grounds. Samsung's proposed preliminary
12 constructions for Apple's patents herein do not mean that the claim term or claim element is valid
13 or construable under 35 U.S.C. § 112; Samsung reserves the right to so assert and make no
14 admission or contention herein. For any references identified in Exhibit A that have not already
15 been produced, Samsung will produce copies of such references. Samsung reserves the right to
16 rely on extrinsic evidence identified by Apple and to add additional extrinsic evidence, particularly
17 for constructions on which the parties disagree.

18 In addition to the references identified in Exhibit A and discussed above, Samsung may
19 rely on testimony from one or more experts. Subject to Apple's proposed constructions,
20 information learned in the course of meeting and conferring with Apple's counsel, and the manner
21 in which the Court will conduct a claim construction hearing, Samsung may on testimony from
22 one or more experts to provide tutorial background regarding the technology in issue in any
23 patents that will be addressed at the claim construction hearing, to address the meaning and subject
24 matter of the asserted patent claims as they would be understood by those of ordinary skill in the
25 art at the time any patents were filed, to address the proper construction of various claim terms in
26 light of the intrinsic and extrinsic evidence, and to otherwise assist the Court in construing the
27 asserted patents. Samsung expressly reserves the right to identify and use experts in rebuttal
28 should Apple identify experts for claim construction. Any such expert witnesses may also offer

1 testimony, if necessary, to respond to Apple's constructions or expert(s), or for the Court's benefit.
2 Expert testimony should be considered an extrinsic evidence citation for all claim terms herein.
3 Samsung also reserves the right to separate a word or phrase from the terms listed below in order
4 to address that word or phrase separately.
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6 DATED: October 31, 2011

Respectfully submitted,

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8 SULLIVAN, LLP

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17 INC. and SAMSUNG

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