

# EXHIBIT H

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January 5, 2012

**VIA E-MAIL**

Richard Hung  
Morrison & Foerster  
425 Market Street  
San Francisco, CA 94105-2482

Re: *Apple v. Samsung Elecs. Co., et al.*, No. 5:11-cv-01846-LHK (N.D. Cal.)  
Supplemental Invalidity Contentions

Dear Rich:

I write to follow up regarding Samsung's request to serve supplemental invalidity contentions on Apple to include Mac OS X, SuperClock and other prior art, pursuant to Patent Local Rule 3-6. Samsung has twice sent letters asking whether Apple will stipulate to the service of these invalidity contentions, on November 10 and 22, 2011. However, Apple has not responded to Samsung's proposed stipulation.

At the same time, Samsung has sought discovery from Apple to produce source code for the Mac OS X and SuperClock programs in Apple's possession, in order to confirm that they are prior art against the '891 and '002 patents. However, Apple avoided producing the prior art source code until after Samsung filed a motion to compel. Furthermore, Apple continued to avoid a complete disclosure of relevant Mac OS X discovery by producing additional source code only after complaints by Samsung, and by still refusing to produce a hardware version of the prior art that can operate the invalidating brightness window. Despite Apple's dilatory tactics, Samsung's review of the source code confirms that Mac OS X invalidates the '891 patent.

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Thus, Samsung is asking one final time whether Apple will stipulate to supplemental invalidity contentions. In addition to the prior art discussed in the November 10 correspondence, Samsung has good cause to include additional recently discovered prior art. For example, Glimpse, a software program disclosed at the 2005 CHI Conference, invalidates the '381 patent as construed by Judge Koh because it always bounces back. *See* Patent Local Rule 3-6(a) (good cause includes a “claim construction by the Court different from that proposed by the party seeking amendment”).

Samsung also seeks to clarify the invalidity contentions for the DiamondTouch system to identify numerous prior art applications and SDKs which practice the '915 patent. Samsung further believes that the DiamondTouch system is prior art to the '163 patent, and seeks to supplement its invalidity charts accordingly. The table below summarizes the Samsung references.

<b>U.S. Patent No.</b>	<b>Prior Art Reference</b>	<b>Basis</b>
7,469,381	Glimpse	Adverse preliminary injunction decision interpreting '381 patent
7,920,129	Atmel Touchscreens in the KitechAid KEBU107SSS and KEBU208SSS Products	Third party discovery from Atmel Corporation
	Cirque Capacitive Touchpads, including but not limited to the GlidePoint Touchpad	Third party discovery from Cirque Corporation
	WO 2005/114369	Chart already served – amendment to cover pleading only
	US 6,075,520	Recent discovery
	Hal Philipp, Controls and Sensors: Tough Touch Screens, 2006	Additional information on disclosed Whirlpool Velos
7,844,915 and 7,864,163	Mandelbrot, Gesture Engine, Multi-Surface Google Earth, Gesture/Speech Interface, DTMouse and DTLens, operating on the DiamondTouch system	Applications running on disclosed DiamondTouch system
7,864,163	US 2005/0012723	Recent discovery
7,853,891	Mac OS X, version 10.0	Depositions of Bas Ording & Imran Chaundri and recent production of source code by Apple in response to Samsung's motion to compel
6,493,002	SuperClock!	Deposition of Steven Christensen and recent production of source code by Apple in response to Samsung's motion to compel

7,812,828	DISCRETE RANDOM SIGNALS AND STATISTICAL SIGNAL PROCESSING, by Charles Therrien	Deposition of Wayne Westerman
	LINEAR ALGEBRA AND ITS APPLICATIONS, by Gilbert Strang	Deposition of Wayne Westerman

Please let us know by Monday, January 9, whether Apple will agree to these supplemental contentions. Otherwise, Samsung will assume that Apple opposes any stipulation and proceed to file a motion with the court.

Very truly yours,



Todd M. Briggs