

# Exhibit 8



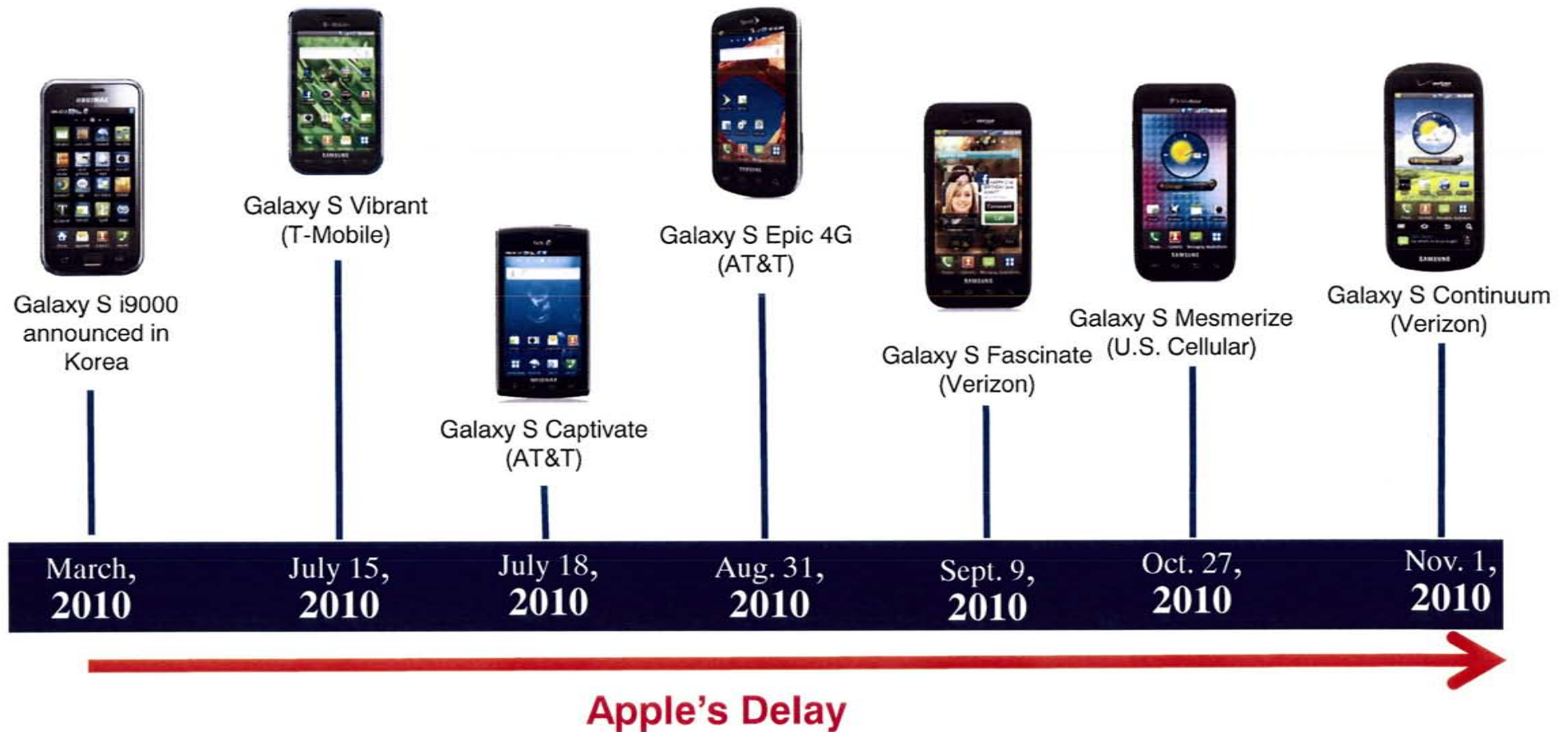
# **Apple v. Samsung: Samsung's Opposition to Apple's Motion to Expedite Discovery**

May 12, 2011

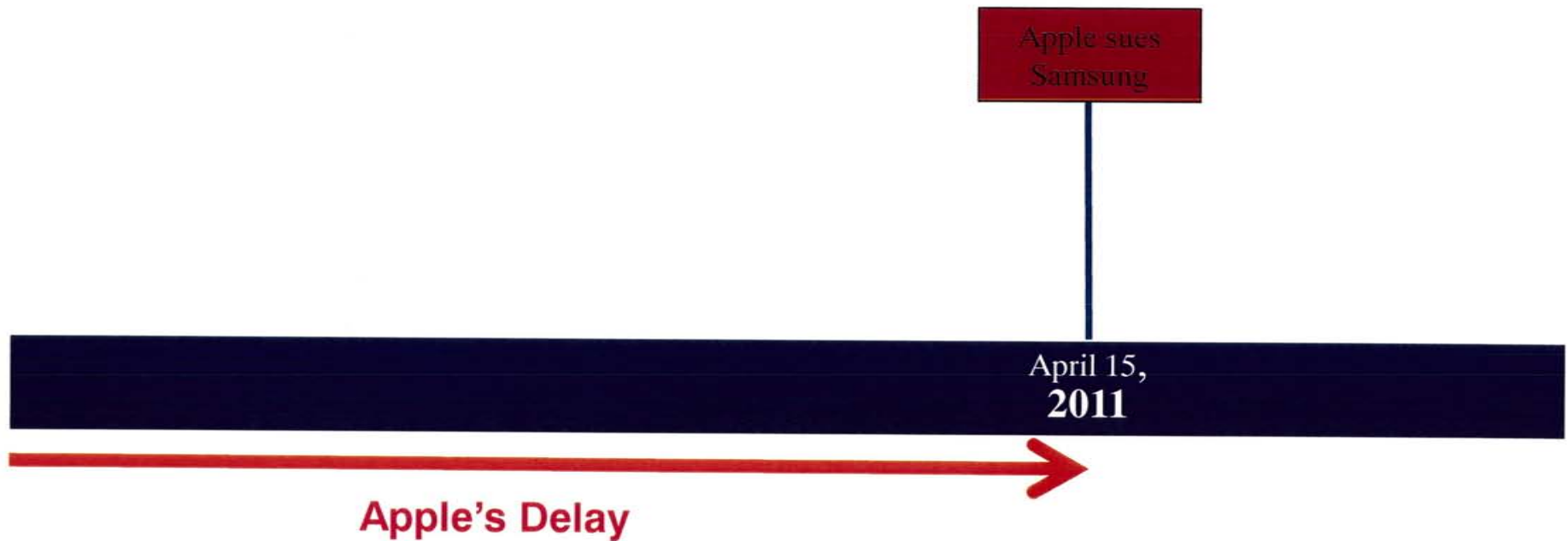
# Apple's Delay Negates Its Claim of Irreparable Harm

- Oakland Tribune, Inc. v. Chronicle Pub. Co., Inc., 762 F.2d 1374, 1377 (9th Cir.1985) (finding that delay in requesting a preliminary injunction “implies a lack of urgency and irreparable harm”)
- McDermott v. Ampersand Pub., LLC, 593 F.3d 950, 964-65 (9th Cir. 2010) (no irreparable harm where two month delay)
- Putz v. Schwarzenegger, 2010 WL 1838717, \*8 (N.D. Cal. May 5, 2010) (no irreparable harm where four month delay).

# Apple Will Not Be Irreparably Harmed By “Another Round” of Galaxy Products

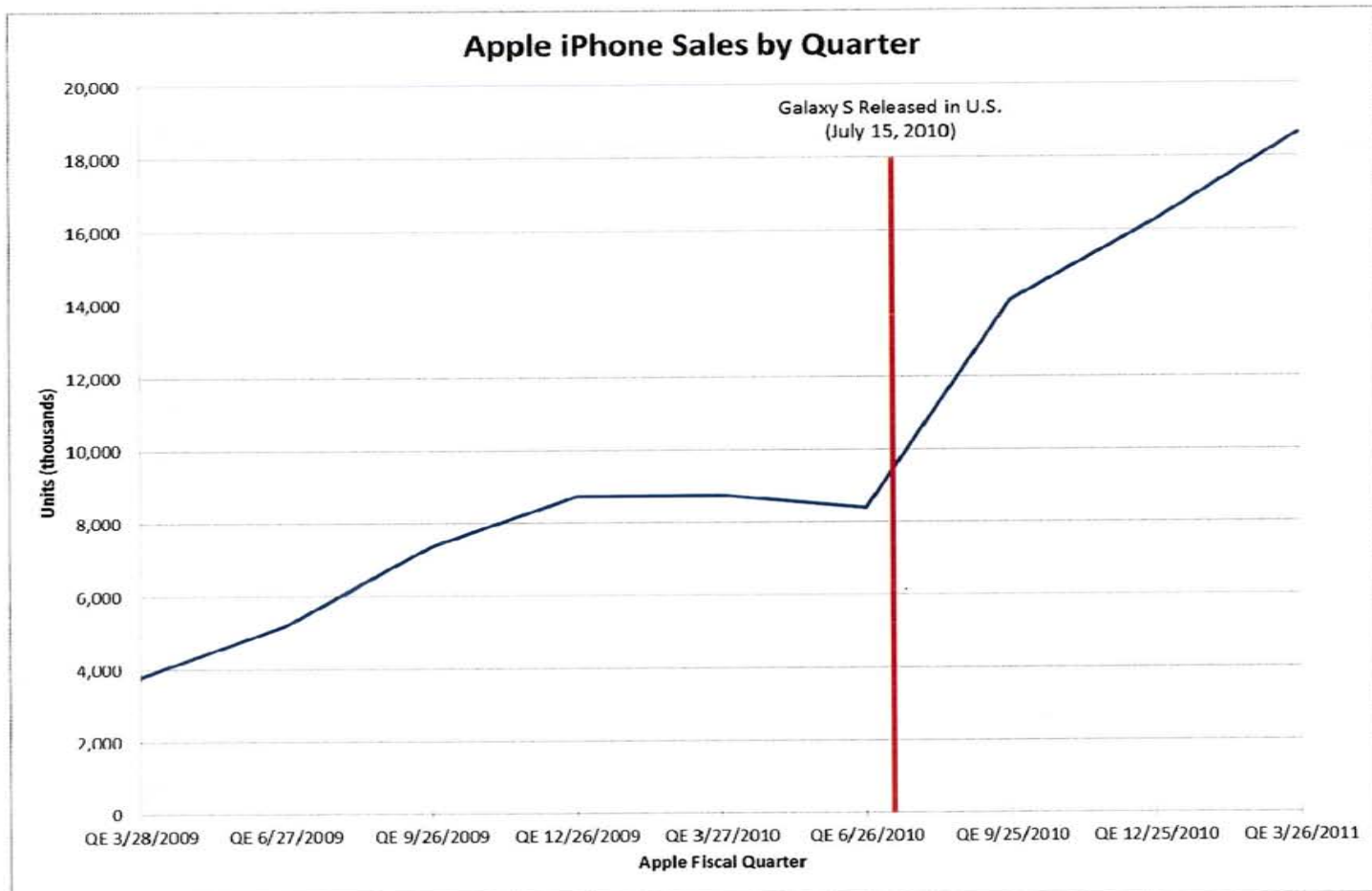


# Apple Will Not Be Irreparably Harmed By “Another Round” of Galaxy Products





# Samsung's Galaxy S Caused Apple No Irreparable Harm



(Information collected from Apple's SEC filings)

# Apple Does Not Want to Compete on the Merits With Android-Based Phones

5/11/2011

Apple Sues HTC for Patent Infringement

## Apple Sues HTC for Patent Infringement

CUPERTINO, California—March 2, 2010—Apple® today filed a lawsuit against HTC for infringing on 20 Apple patents related to the iPhone's user interface, underlying architecture and hardware. The lawsuit was filed concurrently with the U.S. International Trade Commission (ITC) and in U.S. District Court in Delaware.

"We can sit by and watch competitors steal our patented inventions, or we can do something about it. We've decided to do something about it," said Steve Jobs, Apple's CEO. "We think competition is healthy, but competitors should create their own original technology, **not steal ours.**"

Apple reinvented the mobile phone in 2007 with its revolutionary iPhone®, and did it again in 2008 with its pioneering App Store, which now offers more than 150,000 mobile applications in over 90 countries. Over 40 million iPhones have been sold worldwide.

### Press Contacts:

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NOTE TO EDITORS: For additional information visit Apple's [PR website](#), or call Apple's Media Helpline at (408) 974-2042.

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Press release taken from Apple's Website

# Apple Does Not Want to Compete on the Merits With Android-Based Products

5/11/2011

Apple Countersues Nokia

## Apple Countersues Nokia

CUPERTINO, California—December 11, 2009—Responding to a lawsuit brought against the company by Nokia, Apple® today filed a countersuit claiming that Nokia is infringing 13 Apple patents.

"Other companies must compete with us by inventing their own technologies, **not just by stealing ours**," said Bruce Sewell, Apple's General Counsel and senior vice president.

Apple ignited the personal computer revolution in the 1970s with the Apple II and reinvented the personal computer in the 1980s with the Macintosh. Today, Apple continues to lead the industry in innovation with its award-winning computers, OS X operating system and iLife and professional applications. Apple is also spearheading the digital media revolution with its iPod portable music and video players and iTunes online store, and has entered the mobile phone market with its revolutionary iPhone.

### Press Contacts:

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Press release taken from Apple's Website



# The Features Apple Claims Are Uniquely Apple's Are Functional and Standard

Palm Pre



HTC Touch Pro2



Motorola Atrix 4G



RIM BlackBerry Storm



Nokia 5800xm



LG Axis LGAS740



Samsung Galaxy i900



Sony Ericsson Xperia Play

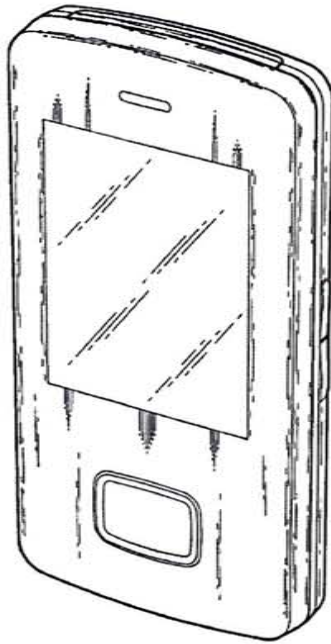


# Samsung F700

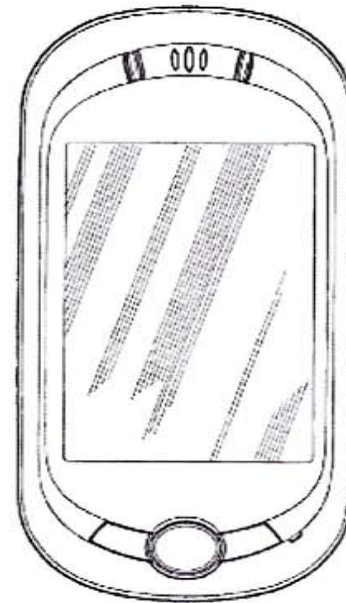
Announced: Feb. 8, 2007



# There Is No Design Patent Protection for a Rectangular Phone With Rounded Edges



U.S. Design  
Patent  
D563,929 S  
(filed Apr. 6,  
2006)



U.S. Design  
Patent  
D498,754  
(filed Dec. 29,  
2003)



# Basic Geometric Shapes Are Generally Not Protectable

- Brooks Shoe Mfg. Co., Inc. v. Suave Shoe Corp., 716 F.2d 854, 858 (11th Cir. 1983) (noting that the trade dress design on sides of shoe could be characterized as a V, an arrow, or a 7, and that “such a basic geometric shape generally is not considered inherently distinctive”);
- Guess?, Inc. v. Tres Hermanos, 993 F.Supp. 1277, 1281 (C.D. Cal. 1997) (“[O]rdinary geometric shapes such as triangles are generally afforded little protection when examined alone.”);
- Ohio Art Co. v. Lewis Galoob Toys, Inc., 799 F.Supp. 870, 883 (N.D. Ill. 1992) (“Even length of use and promotion of a mark or dress are not dispositive of secondary meaning, especially where the trade dress is a ‘simple geometric configuration’ and there is nothing to suggest that consumers associate the configuration mark or dress with one source” )
- In re Chippendales USA, Inc., 622 F.3d 1346, 1355 (Fed. Cir. 2010) (noting the Federal Circuit test for inherent distinctiveness begins with the inquiry of whether the trade dress “employ[s] a basic shape or design such as a letter or geometric shape”)

# A Grid of Icons Is a Functional and Standard Feature

Palm Pre



HTC Touch Pro2



Motorola Atrix 4G



RIM BlackBerry Storm



Nokia 5800xm



LG Axis LGAS740



Samsung Galaxy i900



Sony Ericsson Xperia Play

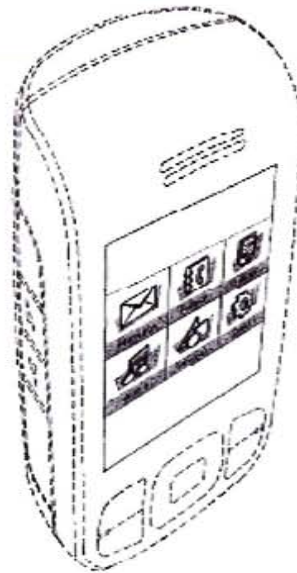




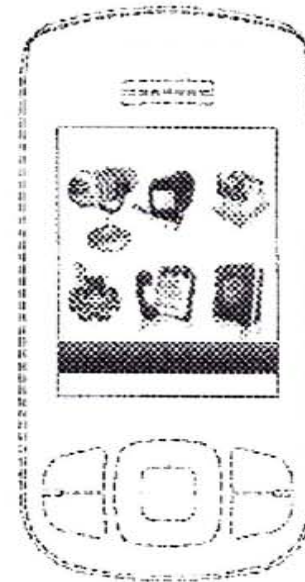
# There Is No Design Patent Protection for a Grid of Icons



U.S. Design  
Patent  
D445,428 S  
(filed Apr. 5,  
2000)



U.S. Design  
Patent  
D564,530  
(filed Dec. 2,  
2005)



U.S. Design  
Patent  
D559,261  
(filed Feb 1,  
2006)

# The Phone Icon Is A Standard Symbol Not Unique To Apple

Motorola Atrix 4G



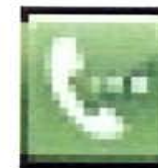
LG Dare



Acer Stream



LG Pop



LG Cookie

# Apple Does Not Own the Longstanding, Universal Symbol for Telephone

Apple Trademark Phone Icon

