

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP  
 Charles K. Verhoeven (Cal. Bar No. 170151)  
 2 charlesverhoeven@quinnemanuel.com  
 50 California Street, 22<sup>nd</sup> Floor  
 3 San Francisco, California 94111  
 Telephone: (415) 875-6600  
 4 Facsimile: (415) 875-6700

5 Kevin P.B. Johnson (Cal. Bar No. 177129)  
 kevinjohnson@quinnemanuel.com  
 6 Victoria F. Maroulis (Cal. Bar No. 202603)  
 victoriamaroulis@quinnemanuel.com  
 7 555 Twin Dolphin Drive 5<sup>th</sup> Floor  
 Redwood Shores, California 94065  
 8 Telephone: (650) 801-5000  
 Facsimile: (650) 801-5100

9 Michael T. Zeller (Cal. Bar No. 196417)  
 10 michaelzeller@quinnemanuel.com  
 865 S. Figueroa St., 10th Floor  
 11 Los Angeles, California 90017  
 Telephone: (213) 443-3000  
 12 Facsimile: (213) 443-3100

13 Attorneys for Samsung Electronics Co., Ltd.,  
 Samsung Electronics America, Inc., and Samsung  
 14 Telecommunications America, LLC

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

17 APPLE INC., a California corporation,

18 Plaintiff,

19 vs.

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

24 Defendants.

CASE NO. 11-cv-01846-LHK

**DECLARATION OF BRETT ARNOLD IN  
 SUPPORT OF SAMSUNG'S MOTION  
 FOR SUMMARY JUDGMENT**

**Date: June 21, 2011**

**Time: 1:30 pm**

**Place: Courtroom 8, 4th Floor**

**Judge: Hon. Lucy H. Koh**

25 PROPOSED REDACTED VERSION

1 I, Brett Arnold, declare:

2 1. I am an attorney in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,  
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung  
4 Telecommunications America, LLC (collectively "Samsung"). I make this declaration in  
5 connection with Samsung's Notice of Lodging, filed herewith. I have personal knowledge of the  
6 facts set forth in this declaration except where noted and, if called upon as a witness, I could and  
7 would testify to such facts under oath.

8 2. [REDACTED]  
9 [REDACTED]

10 3. [REDACTED]  
11 [REDACTED]

12 4. [REDACTED]  
13 [REDACTED]

14 5. Attached as Exhibit 4 is a true and correct copy of Japanese design registration JP  
15 1241638, issued June 2005, as obtained from the U.S.P.T.O, along with a certified translation.

16 6. Attached as Exhibit 5 is a true and correct copy United States patent D618,677.

17 7. Attached as Exhibit 6 is a true and correct copy United States patent D593,087.

18 8. Attached as Exhibit 7 is a true and correct copy of Japanese design registration JP  
19 1204221, issued May 2004, as obtained from the U.S.P.T.O, along with a certified translation. A  
20 higher quality version of the images is also attached at the end of Exhibit 5.

21 9. Owen Kwon, a third party, was deposed on February 29, 2012. Attached as Exhibit  
22 8 is a true and correct copy of excerpts from Mr. Kwon's deposition transcript.

23 10. Ricardo Vilas Boas was deposed on March 16, 2012. Attached as Exhibit 9 is a true  
24 and correct copy of excerpts from Mr. Vilas Boas' deposition transcript.

25 11. Attached as Exhibit 10 is a true and correct copy of an image depicting the Nokia  
26 Fingerprint Concept phone, which was marked as an exhibit in the March 16, 2012 deposition of  
27 Mr. Vilas Boas, excerpts of which are at Exhibit 9 to this declaration.

28

1           12.     I have seen a physical specimen of the iRiver U10 device, and the image included  
2 in Samsung's Motion for Summary Judgment and labeled as the iRiver U10 is an accurate image  
3 of the actual device.   That image is reproduced here:



4  
5  
6  
7  
8  
9  
10           13.     I have seen a physical specimen of the LG Chocolate device, and the images  
11 included in Samsung's Motion for Summary Judgment and labeled as the LG Chocolate are  
12 accurate images of the actual device.   Those image are reproduced here:



13  
14  
15  
16  
17  
18  
19  
20           14.     [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

23           15.     [REDACTED]  
24 [REDACTED]

25           16.     Attached as Exhibit 13 is a true and correct copy of documents produced by Apple  
26 bearing the Bates numbers APLNDC-X0000006115--APLNDC-X0000006129.

27  
28

1 17. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 18. [REDACTED]

5 [REDACTED]

6 19. Attached as Exhibit 16 is a true and correct copy of the file history for design  
7 patent D617,677 as produced by Apple bearing the Bates numbers APLPROS0000011597-  
8 0000011959.

9 20. Attached as Exhibit 17 is a true and correct copy of the file history for design  
10 patent D593,087 as produced by Apple bearing the Bates numbers APLPROS000010414-  
11 0000010773.

12 21. [REDACTED]

13 [REDACTED]

14 22. Attached as Exhibit 19 is a true and correct copy of Korean design registration KR  
15 30-0398307, issued November 15 2005, as obtained from the U.S.P.T.O, along with a certified  
16 translation, bearing Bates numbers SAMNDCA00402644-SAMNDCA00402654

17 23. Sungyub Lee, a third party, was deposed on March 8, 2012. Attached as Exhibit 20  
18 is a true and correct copy of excerpts from Mr. Lee's deposition testimony as well as a true and  
19 correct copy of all the documents marked as exhibits at the deposition of Sungyub Lee.

20 24. I have seen a physical specimen of the Bluebird Pidion BM-200 device, and the  
21 images included in Samsung's Motion for Summary Judgment and labeled as the Bluebird Pidion  
22 BM-200 are accurate images of the actual device. Those images are reproduced here:



28

1           25.     Attached as Exhibit 21 is a true and correct copy of U.S. patent D504,889, as  
2 obtained from the USPTO.

3           26.     Attached as Exhibit 22 is a true and correct copy of U.S. patent D500,037, which  
4 issued on Dec. 21, 2004, as obtained from the USPTO.

5           27.     Attached as Exhibit 23 is a true and correct copy of Apple Inc.'s Fifth Amended  
6 Objections and Response to Samsung's Interrogatory No. 1 to Apple, as served to Samsung on  
7 March 8, 2012.

8           28.     Attached as Exhibit 24 is a true and correct copy of U.S. patent 6,919,678 as  
9 obtained from the U.S. Patent and Trade Office.

10          29.     Attached as Exhibit 25 is a true and correct copy of excerpts from *AppleDesign*, a  
11 book written by Paul Kunkel, copyright 1997. Page 144 of the book includes an image showing a  
12 flat panel display the "Brain Box" desktop.

13          30.     Attached as Exhibit 26 is a true and correct copy of the file history for design  
14 patent D504,889 as produced by Apple bearing the Bates numbers APLPROS000010188-  
15 0000010297.

16          31.     Attached as Exhibit 27 is a true and correct copy of Japanese design registration JP  
17 1178470, as obtained from the U.S.P.T.O, along with a certified translation.

18          32.     Attached as Exhibit 28 is a true and correct copy of an image contained within  
19 Korean design registration KR 30-0304213, as obtained from the U.S.P.T.O, along with a certified  
20 translation.

21          33.     Roger Fidler, a third party, was deposed on September 23, 2011. Attached as  
22 Exhibit 29 is a true and correct copy of excerpts from Mr. Fidler's deposition testimony and Fidler  
23 Deposition Exhibit 266.

24          34.     Attached as Exhibit 31 is a true and correct copy of a screenshot of  
25 [www.apple.com/iphone/](http://www.apple.com/iphone/) as visited on January 11, 2007 by [web.archive.org](http://web.archive.org).

26          35.     Attached as Exhibit 34 is a true and correct copy of U.S. patent D604,305 as  
27 obtained from the U.S. Patent and Trade Office.

28

1           36.     Attached as Exhibit 35 is a true and correct copy of U.S. patent D617,334 as  
2 obtained from the U.S. Patent and Trade Office.

3           37.     Susan Kare was deposed on April 27, 2012. Attached as Exhibit 36 is a true and  
4 correct copy of excerpts from Ms. Kare's deposition testimony as well as true and correct copies of  
5 exhibits 2, 4, and 13 from the April 27, 2012 deposition of Susan Kare.

6           38.     Attached as Exhibit 37 is a true and correct copy of Apple Inc.'s Amended  
7 Objections and Responses to Samsung's Interrogatory Nos. 4, 6, 7, 16, 17, and 18, as served to  
8 Samsung on March 8, 2012.

9           39.     [REDACTED]  
10 [REDACTED]

11          40.     [REDACTED]  
12 [REDACTED]

13          41.     [REDACTED]  
14 [REDACTED]

15          [REDACTED] [REDACTED]  
16 [REDACTED]

17          43.     [REDACTED]  
18 [REDACTED]

19          [REDACTED] [REDACTED]  
20 [REDACTED]

21          [REDACTED] [REDACTED]  
22 [REDACTED]

23          [REDACTED] [REDACTED]  
24 [REDACTED]

25          [REDACTED] [REDACTED]  
26 [REDACTED]

27          [REDACTED] [REDACTED]  
28 [REDACTED]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

49. [REDACTED]

[REDACTED]

50. [REDACTED]

[REDACTED]

51. [REDACTED]

[REDACTED]

[REDACTED]

52. Attached as Exhibit 51 is a true and correct copy of a document produced by Apple with Bates numbers APLNDC0003040119-APLNDC0003040124. [REDACTED]

[REDACTED]

[REDACTED]

53. [REDACTED]

[REDACTED]

54. Attached as Exhibit 53 is a true and correct copy of US Patent 7,768,462.

55. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

59. Attached as Exhibit 58 is a true and correct copy of a document produced to Samsung by Apple and bearing Bates numbers APLNDC0001207394--APLNDC0001207395

60. [REDACTED]

[REDACTED]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

61. [REDACTED]

[REDACTED]

[REDACTED]

62. Attached as Exhibit 62 is a true and correct copy of U.S. Patent 7,668,574.

63. [REDACTED]

[REDACTED]

64. Attached as Exhibit 65 is a true and correct copy of a video titled *Objectified* (2009).

65. Attached as Exhibit 66 is a true and correct copy of excerpts from the Expert Report of Peter W. Bressler, served by Apple on March 22, 2012.

66. Attached as Exhibit 67 is a true and correct copy of an excerpt from Apple Inc.'s Objections and Responses to Samsung's Fourth Set of Interrogatories, which was served to Samsung on March 10, 2012. The excerpt contains Apple's Response to Interrogatory 68.

67. Attached as Exhibit 68 is a true and correct copy of a document produced by Apple and bearing Bates numbers APLNDC-Y0000028751---APLNDC-Y0000028849 [REDACTED] [REDACTED] "

68. [REDACTED]

[REDACTED]

69. Attached as Exhibit 70 is a true and correct copy of excerpts from the Expert Report of Hal Poret, served by Apple on March 22, 2012, exhibits excluded.

70. [REDACTED]

[REDACTED]

[REDACTED]

71. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



1           72.     Attached as Exhibit 73 is a true and correct copy of the Expert Report of Russell S.  
2 Winer, exhibits excluded.

3           73.     Attached as Exhibit 74 is a true and correct copy of a Declaration of Itay Sherman,  
4 signed May 17, 2012. Attached to the declaration is the expert report of Itay Sherman and a prior  
5 art comparison chart.

6           74.     Attached as Exhibit 75 is a true and correct copy of a Declaration of Mark Lehto,  
7 signed May 17, 2012. Attached to the declaration is the expert report of Mark Lehto.

8           75.     Attached as Exhibit 76 is a true and correct copy of a Declaration of Samuel  
9 Lucente, signed May 17, 2012. Attached to the declaration is the expert report of Samuel Lucente.

10          76.     [REDACTED]  
11 [REDACTED]  
12          [REDACTED]  
13 [REDACTED]  
14          [REDACTED]  
15 [REDACTED]

16          79.     Attached as Exhibit 80 is a true and correct copy of Apple's Supplemental  
17 Objections and Responses to Samsung's First Set of Interrogatories (No. 8), served by Apple on  
18 March 7, 2012.

19          80.     Attached as Exhibit 81 is a true and correct excerpt from Apple's Objections and  
20 Responses to Samsung's Fourth Set Interrogatories (No. 77), served by Apple on March 10, 2012.

21          81.     [REDACTED]  
22 [REDACTED]

23          82.     Attached as Exhibit 83 is a true and correct copy of the U.S. Patent No. 7,469,381,  
24 as produced by Apple bearing the Bates numbers APLNDC-Y0000145567-145626.

25          83.     Attached as Exhibit 84 is a true and correct copy of the U.S. Patent No. 7,633,607,  
26 as produced by Apple bearing the Bates numbers APLPROS0000003843-3874.

27          84.     Attached as Exhibit 85 is a true and correct copy of the U.S. Patent No. 7,844,915,  
28 as produced by Apple bearing the Bates numbers APLNDC-00025380-25432.



