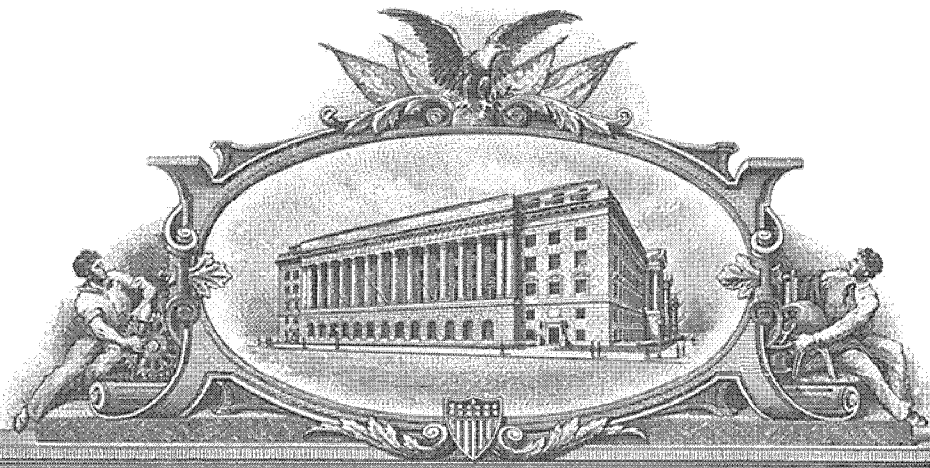


# EXHIBIT 16

7293088



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

*April 25, 2011*

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE RECORDS OF THIS OFFICE OF THE FILE WRAPPER AND CONTENTS OF:**

**APPLICATION NUMBER: 29/328,018**  
**FILING DATE: November 18, 2008**  
**PATENT NUMBER: D618677**  
**ISSUE DATE: June 29, 2010**



Certified by

*David J. Kyffers*

Under Secretary of Commerce  
for Intellectual Property  
and Director of the United States  
Patent and Trademark Office

APLPROS0000011597

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Application Number: 29328018

Document Date: 11/18/2008

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

- Design Drawing

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

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Form Revision Date: February 8, 2006

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**DESIGN  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	2607.0590002(P4984USD1)/TGD/AKS
First Named Inventor	Bartley K. ANDRE
Title	Electronic Device
Express Mail Label No.	

ADDRESS TO:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DESIGN V. UTILITY:** A "design patent" protects an article's ornamental appearance (e.g., the way an article looks) (35 U.S.C. 171), while a "utility patent" protects the way an article is used and works (35 U.S.C. 101). The ornamental appearance of an article includes its shape/configuration or surface ornamentation upon the article, or both. Both a design and a utility patent may be obtained on an article if invention resides both in its ornamental appearance and its utility. For more information, see MPEP 1502.01.

**APPLICATION ELEMENTS**

See MPEP 1500 concerning design patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)
- Applicant claims small entity status. See 37 CFR 1.27.
- Specification [Total Pages 4]  
(preferred arrangement set forth below, MPEP 1503.01)  
- Preamble  
- Cross References to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Description of the figure(s) of the drawings  
- Feature description  
- Claim (only one (1) claim permitted, MPEP 1503.03)
- Drawing(s) (37 CFR 1.152) [Total Sheets 8]
- Oath or Declaration [Total Pages 8]  
a.  Newly executed (original or copy)  
b.  A copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 16 completed)  
DELETION OF INVENTOR(S)  
i.  Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
- Application Data Sheet. See 37 CFR 1.76

**ACCOMPANYING APPLICATION PARTS**

- Assignment Papers (cover sheet & document(s))
- 37 CFR 3.73(b) Statement  Power of Attorney  
(when there is an assignee)
- English Translation Document (if applicable)
- Information Disclosure Statement (IDS)  
PTO/SB/08 or PTO-1449  
 Copies of foreign patent documents, publications, & other information
- Preliminary Amendment
- Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
- Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
- Request for Expedited Examination of a Design Application  
(37 CFR 1.155) (NOTE: Use "Mail Stop Expedited Design")
- Other: Authorization under 37 CFR 1.136(a)(3)

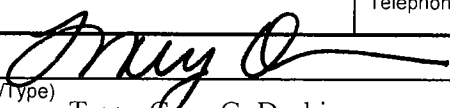
**16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:**

Continuation  Divisional  Continuation-in-part (CIP) of prior application No.: 29/282,834

Prior application information: Examiner Angela J. Lee Art Unit: 2911

**17. CORRESPONDENCE ADDRESS**

The address associated with Customer Number: 63975 OR  Correspondence address below

Name			
Address			
City	State	Zip Code	
Country	Telephone	Email	
Signature 	Date		November 18, 2008
Name (Print/Type) Tracy-Gene G. Durkin	Registration No. (Attorney/Agent)		32,831

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## APPLICATION DATA SHEET

Electronic Version v14  
Stylesheet Version v14.1

### *Applicant Information:*

#### Inventor 1:

<b>Applicant Authority Type:</b>	Inventor
<b>Citizenship:</b>	US
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**E-mail:**

Inventor 14:

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**Fax:**  
**E-mail:**

***Correspondence Information:***

**Customer Number:** 63975 \*63975\*

***Application Information:***

**Title of Invention:** Electronic Device  
**Application Type:** regular, design  
**Attorney Docket Number:** 2607.0590002(P4984USD1)/TGD/AKS

Botanic Information:

Publication Information:

**Suggested Figure for Publication -**  
**Suggested Classification -**  
**Suggested Technology Center -**  
**Total Number of Drawing Sheets - 8**

***Representative Information:***

practitioner(s) at Customer Number:

63975 \*63975\*

as our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

***Domestic Priority Information:***

This is a Divisional of US application number 29/282,834, filed 2007-07-30.

US application number 29/282,834, filed 2007-07-30 is a Continuation of US application number

29/270,888, filed 2007-01-05, now U.S. Patent D558,758.

***Foreign Priority Information:***

***Assignee Information:***

Assignee 1:

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**Postal Code of Mailing Address:** 95014  
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**Phone:**  
**Fax:**  
**E-mail:**

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Tracy-Gene G. Durkin  
Attorney for Applicants  
Registration No. 32,831

Date: November 18, 2008

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

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APLPROS0000011608

## SPECIFICATION

[0001] This application is a divisional application of U.S. Design Patent  
Application No. 29/282,834, filed July 30, 2007 (pending), which is a  
continuation application of U.S. Design Patent Application No. 29/270,888,  
[0002] filed January 5, 2007 (now U.S. Patent No. Des. 558,758), the disclosures of  
which are all hereby incorporated in their entirety by reference thereto.

This is an application for a new, original, and ornamental design for an  
[0003] ELECTRONIC DEVICE, of which the following is a specification, reference  
being had to the accompanying drawings, forming a part thereof.

[0004] Figure 1 is a front perspective view of an electronic device in

[0005] accordance with the present invention;

[0006] Figure 2 is a rear perspective view thereof;

[0007] Figure 3 is a front view thereof;

[0008] Figure 4 is a rear view thereof;

[0009] Figure 5 is a top view thereof;

[0010] Figure 6 is bottom view thereof;

[0011] Figure 7 is a left side view thereof;

Figure 8 is a right side view thereof;

[0012] Figure 9 is a front perspective view of an electronic device in

[0013] accordance with the present invention;

[0014] Figure 10 is a rear perspective view thereof;

[0015] Figure 11 is a front view thereof;

[0016] Figure 12 is a rear view thereof;

[0017] Figure 13 is a top view thereof;

- [0018] Figure 14 is bottom view thereof;
- [0019] Figure 15 is a left side view thereof; and  
Figure 16 is a right side view thereof.
- [0020] Figure 17 is a front perspective view of an electronic device in  
accordance with the present invention;
- [0021] Figure 18 is a rear perspective view thereof;
- [0022] Figure 19 is a front view thereof;
- [0023] Figure 20 is a rear view thereof;
- [0024] Figure 21 is a top view thereof;
- [0025] Figure 22 is bottom view thereof;
- [0026] Figure 23 is a left side view thereof;
- [0027] Figure 24 is a right side view thereof;
- [0028] Figure 25 is a front perspective view of an electronic device in  
accordance with the present invention;
- [0029] Figure 26 is a rear perspective view thereof;
- [0030] Figure 27 is a front view thereof;
- [0031] Figure 28 is a rear view thereof;
- [0032] Figure 29 is a top view thereof;
- [0033] Figure 30 is bottom view thereof;
- [0034] Figure 31 is a left side view thereof; and
- [0035] Figure 32 is a right side view thereof.
- [0036] The features shown in broken lines in the various Figures are for  
illustrating environmental structure and form no part of the claimed design.  
The dot dash lines in Figures 9 & 11 represent an indeterminate length.
- [0037] The surfaces of the electronic device are illustrated with color

designations. The grid pattern indicates the color black, the dashed line pattern indicates metal. By way of example, the metallic portions may be selected from steel, aluminum, anodized aluminum, chrome, nickel, and/or the like.

**[0038]** More generally, the invention pertains to an ornamental design for an article of manufacture. The article is not limited to the scale shown herein. As indicated in the title, the article of manufacture to which the ornamental design has been applied is an electronic device, media player (e.g., music, video and/or game player), media storage device, a personal digital assistant, a communication device (e.g., cellular phone), a novelty item or toy.



WE CLAIM:

The ornamental design of an electronic device, as shown and described.

895429\_1.DOC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ANDRE *et al.*

Appl. No.: *To be assigned*  
(Divisional of Appl. No. 29/282,834;  
Filed July 30, 2007)

Filed: *Herewith*

For: **Electronic Device**

Confirmation No.: *To be assigned*

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket: 2607.0590002(P4984USD1)/TGD/AKS

**Authorization to Treat a Reply as Incorporating an  
Extension of Time Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



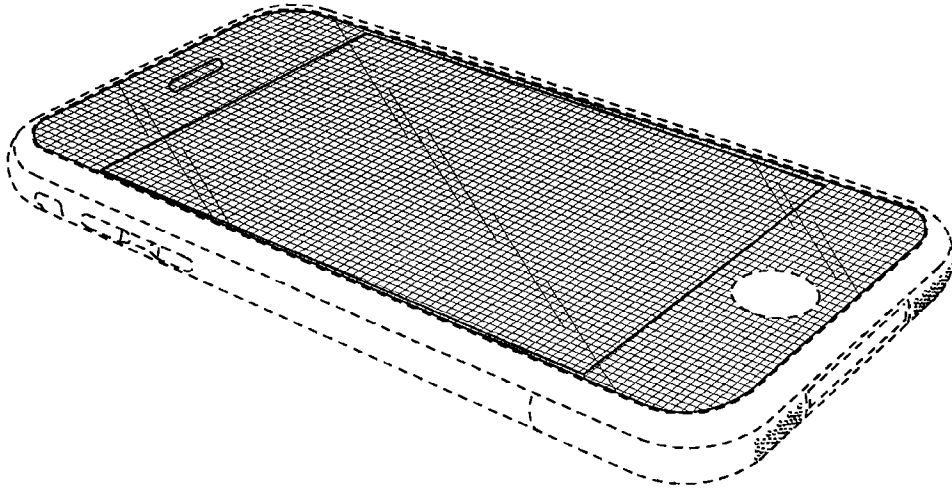
Tracy-Gene J. Durkin  
Attorney for Applicants  
Registration No. 32,831

Date: November 18, 2008

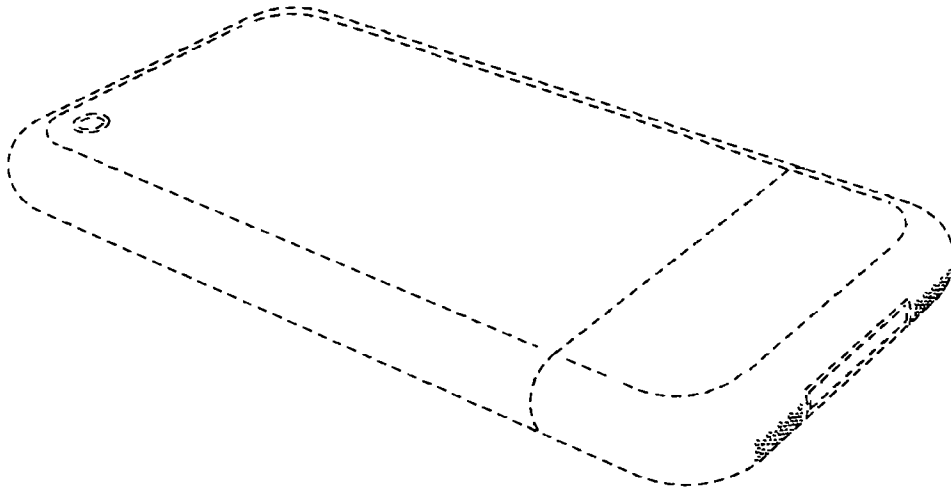
1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600

902150\_1.DOC

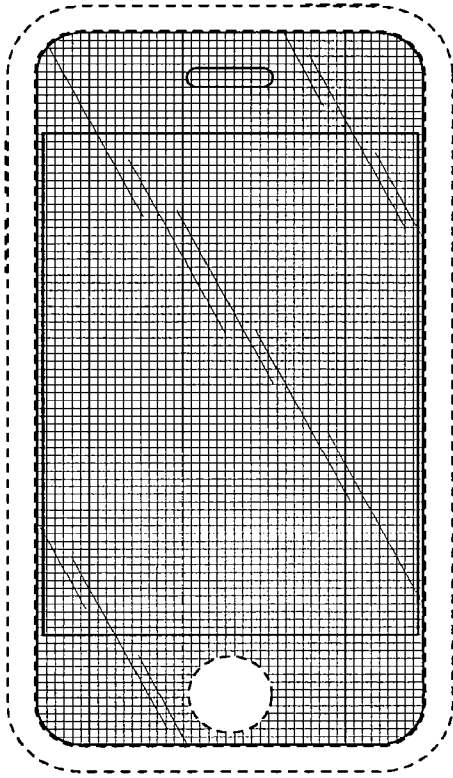
**APLPROS0000011613**



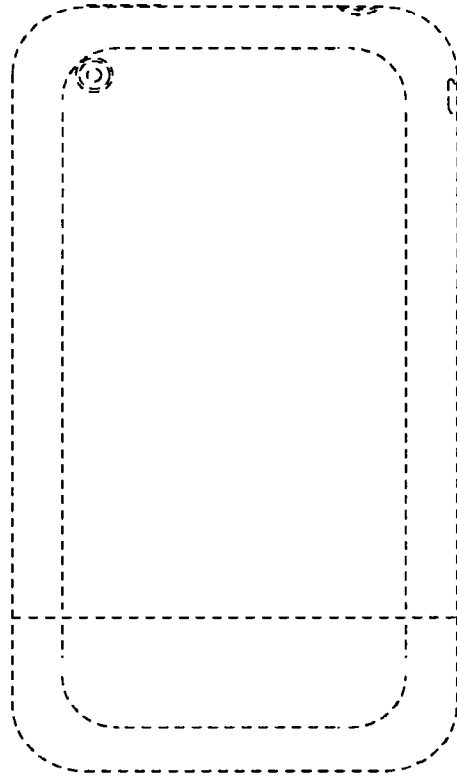
**FIG. 1**



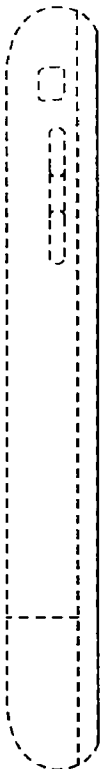
**FIG. 2**



**FIG. 3**



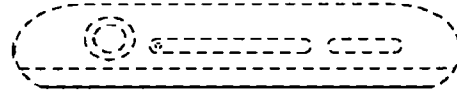
**FIG. 4**



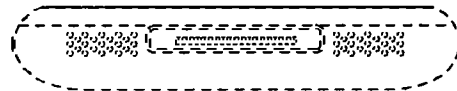
**FIG. 7**



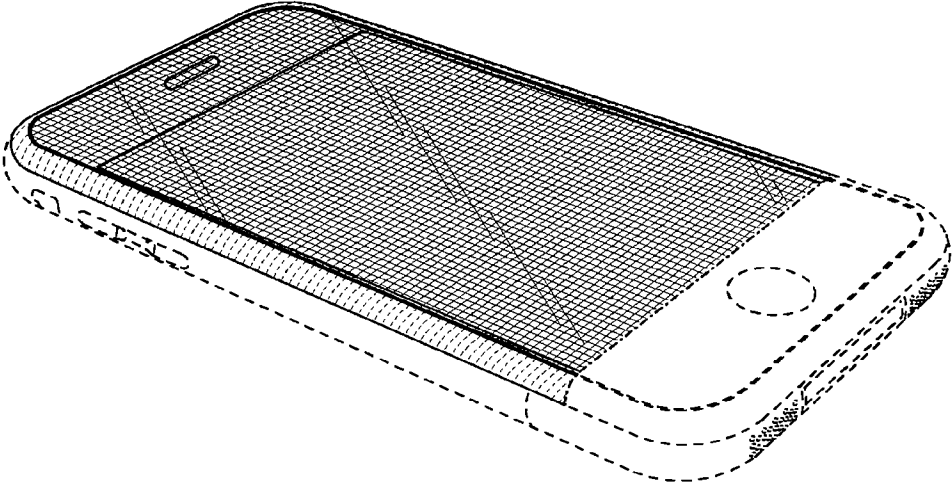
**FIG. 8**



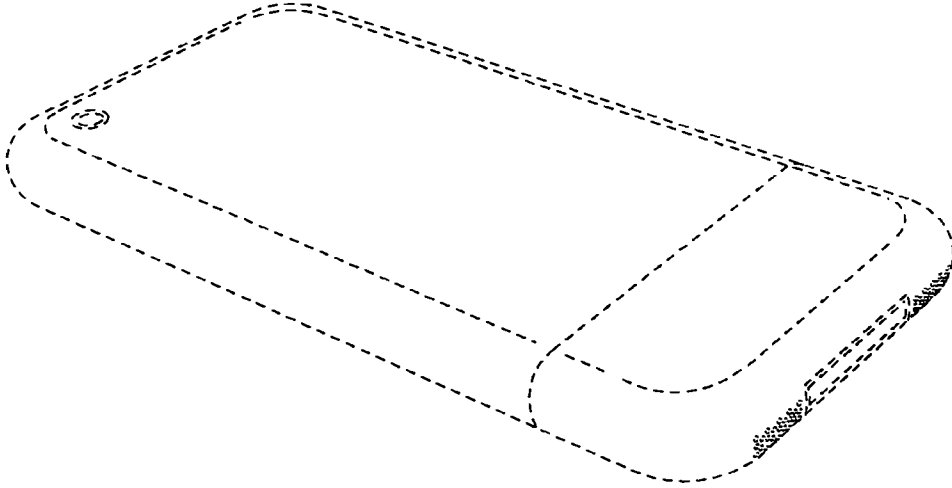
**FIG. 5**



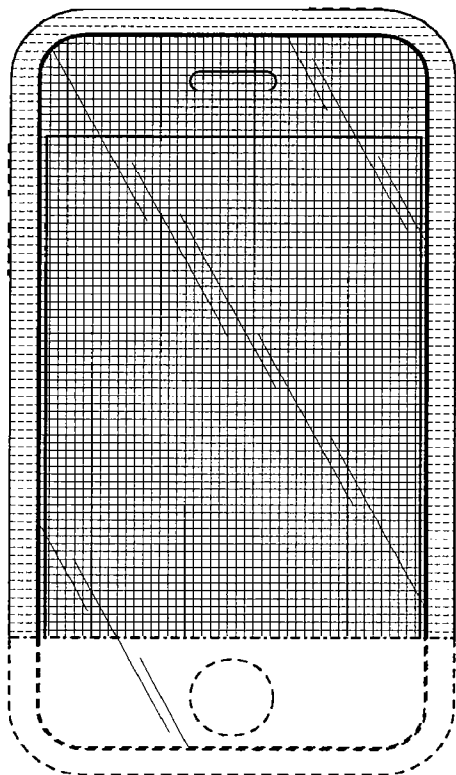
**FIG. 6**



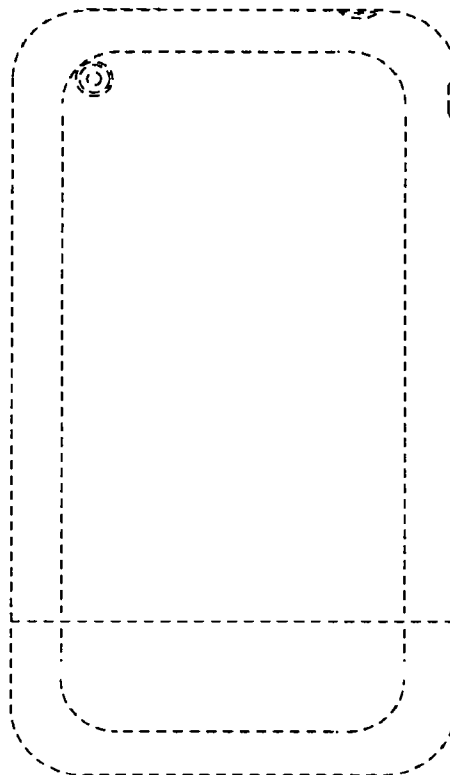
**FIG. 9**



**FIG. 10**



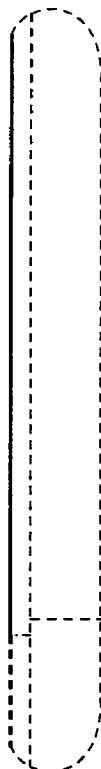
**FIG. 11**



**FIG. 12**



**FIG. 15**



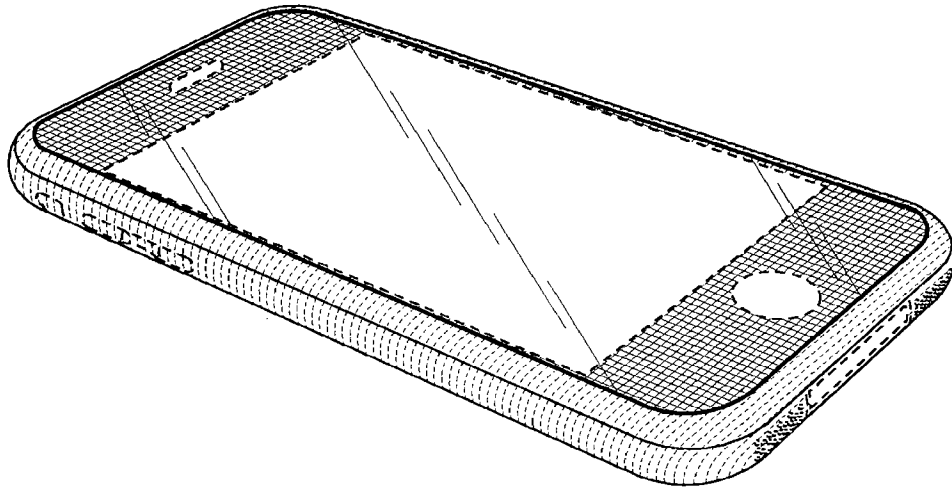
**FIG. 16**



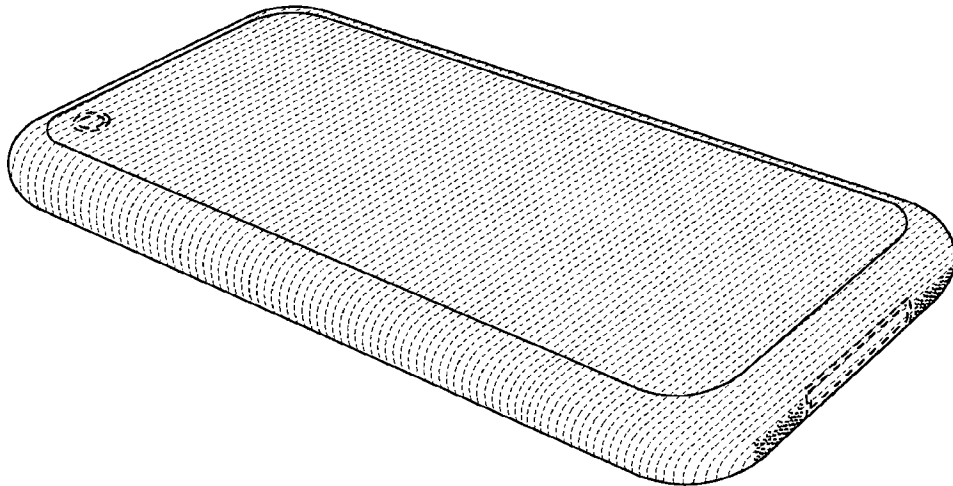
**FIG. 13**



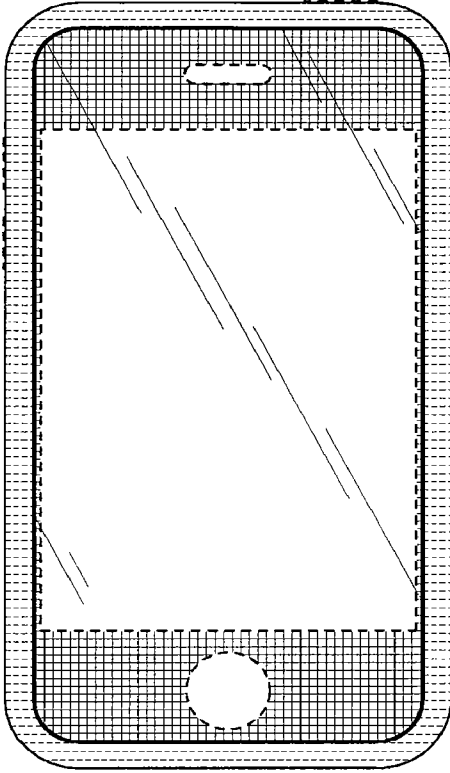
**FIG. 14**



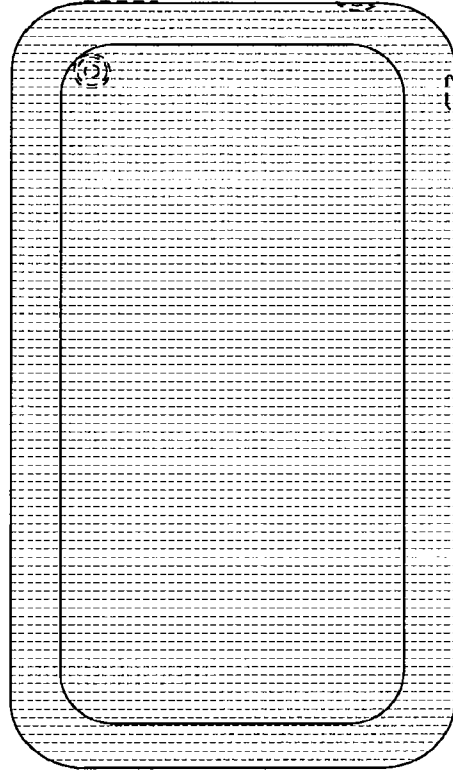
**FIG. 17**



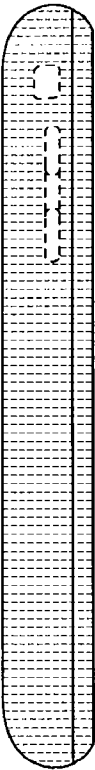
**FIG. 18**



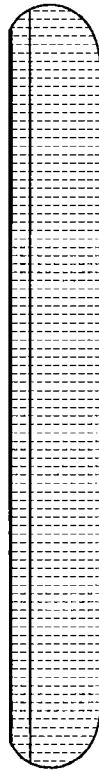
**FIG. 19**



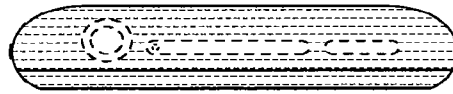
**FIG. 20**



**FIG. 23**



**FIG. 24**

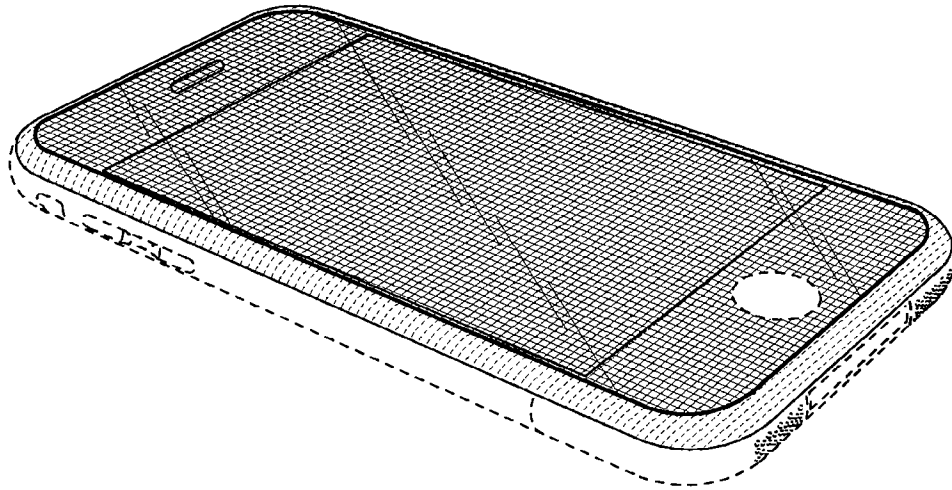


**FIG. 21**

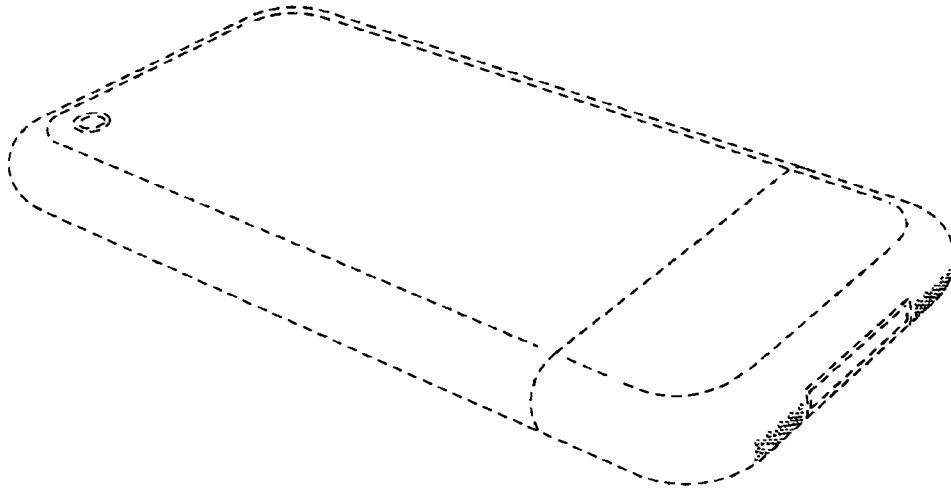


**FIG. 22**

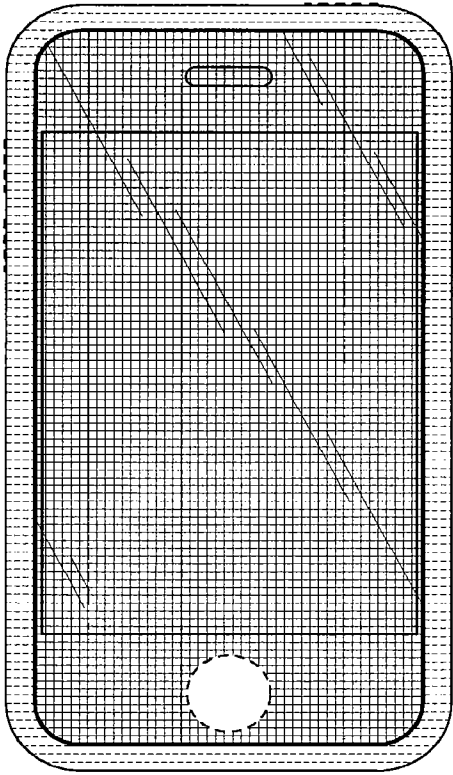




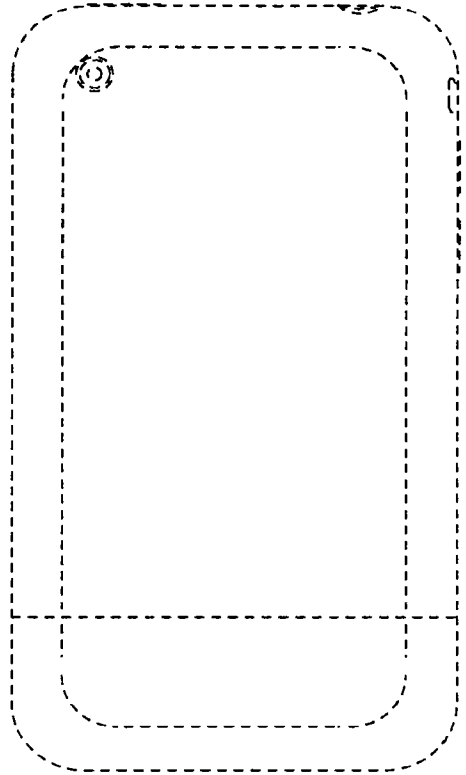
**FIG. 25**



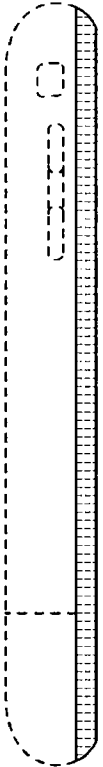
**FIG. 26**



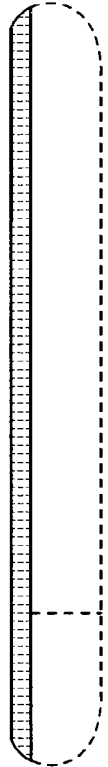
**FIG. 27**



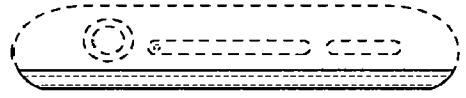
**FIG. 28**



**FIG. 31**



**FIG. 32**



**FIG. 29**



**FIG. 30**

# DECLARATION FOR ORIGINAL U.S. PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: ELECTRONIC DEVICE, the specification of which,

- (check one)
1.  is attached hereto.
  2.  was filed on January 5, 2007 as  
U.S. Application No. 29/270,888.
  3.  was filed on \_\_\_\_\_ as  
PCT International Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

### Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or (f), or §365(b) of any foreign application for patent or inventor's certificate listed below, or under §365(a) of any PCT international application which designated at least one country other than the United States listed below, and I have identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT International application having a filing date before that of the application on which priority is claimed:

			Priority Not Claimed	Cert. Copy Attached
(Application No.)	(Country)	(Filing Date)	<input type="checkbox"/>	<input type="checkbox"/>
(Application No.)	(Country)	(Filing Date)	<input type="checkbox"/>	<input type="checkbox"/>

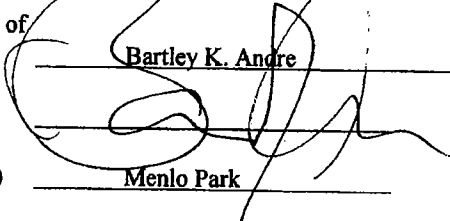
Direct Correspondence To:

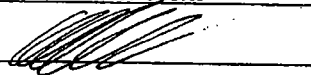
Customer Number: 062464

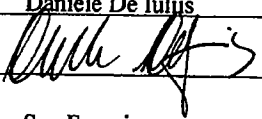
Direct Telephone Calls To:

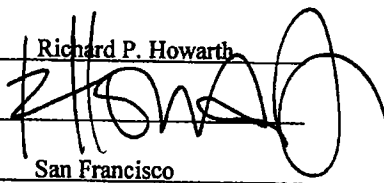
Michael J. Ferrazano at telephone number (408) 255-8001

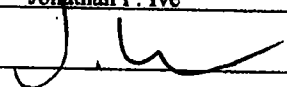
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Typewritten Full Name of First Inventor: Bartley K. Andre Citizenship: U.S.  
Inventor's signature:  Date of Signature: 03/27/07  
Residence: (City) Menlo Park (State/Country) CA/U.S.  
Address: 655 Fourteenth Ave., Menlo Park, CA 94025


Typewritten Full Name of Second Inventor: Daniel J. Coster Citizenship: New Zealand  
Inventor's signature:  Date of Signature: 03.27.06  
Residence: (City) San Francisco (State/Country) CA/U.S.  
Address: 471 14<sup>th</sup> Street, San Francisco, CA 94103

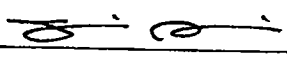
Typewritten Full Name of Third Inventor: Daniele De Iulijis Citizenship: IT  
Inventor's signature:  Date of Signature: 03/22/07  
Residence: (City) San Francisco (State/Country) CA/U.S.  
Address: 50 Digby Street, San Francisco, CA 94131

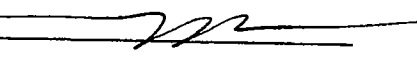
Typewritten Full Name of Fourth Inventor: Richard P. Howarth Citizenship: Great Britain  
Inventor's signature:  Date of Signature: 3.27.07  
Residence: (City) San Francisco (State/Country) CA/U.S.  
Address: 3928 17<sup>th</sup> Street, San Francisco, CA 94114

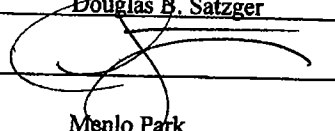
Typewritten Full Name of Fifth Inventor: Jonathan P. Ive Citizenship: Great Britain  
Inventor's signature:  Date of Signature: 3-30-07  
Residence: (City) San Francisco (State/Country) CA/U.S.  
Address: 196 Twin Peaks Blvd., San Francisco, CA 94114

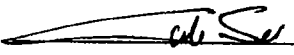
Typewritten Full Name of Sixth Inventor: Steve Jobs Citizenship: U.S.  
Inventor's signature: \_\_\_\_\_ Date of Signature: \_\_\_\_\_  
Residence: (City) Palo Alto (State/Country) CA/U.S.  
Address: 2101 Waverley Street, Palo Alto, CA 94301

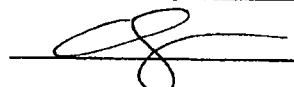
Typewritten Full Name of Seventh Inventor: Duncan Robert Kerr Citizenship: Great Britain  
Inventor's signature:  Date of Signature: 3-29-7  
Residence: (City) San Francisco (State/Country) CA/U.S.  
Address: 2600 18<sup>th</sup> Street, #15, San Francisco, CA 94110

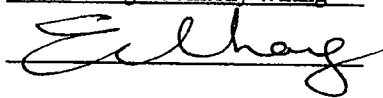
Typewritten Full Name of Eighth Inventor: Shin Nishibori Citizenship: Japan  
Inventor's signature:  Date of Signature: 2-27-07  
Residence: (City) San Francisco (State/Country) CA/U.S.  
Address: 248 Amber Drive, San Francisco, CA 94131

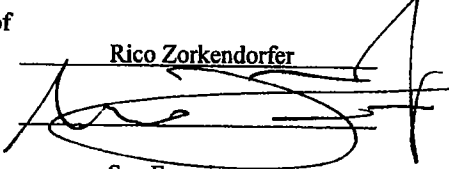
Typewritten Full Name of Ninth Inventor: Matthew Dean Rohrbach Citizenship: U.S.  
Inventor's signature:  Date of Signature: 03-27-07  
Residence: (City) San Francisco (State/Country) CA/U.S.  
Address: 29 Ora Way, San Francisco, CA 94131

Typewritten Full Name of Tenth Inventor: Douglas B. Satzger Citizenship: U.S.  
Inventor's signature:  Date of Signature: 03-28-07  
Residence: (City) Menlo Park (State/Country) CA/U.S.  
Address: 225 Arden Road, Menlo Park, CA 94025

Typewritten Full Name of Eleventh Inventor: Calvin O. Seid Citizenship: U.S.  
Inventor's signature:  Date of Signature: 2-28-07  
Residence: (City) Palo Alto (State/Country) CA/U.S.  
Address: 1043 High Street, Palo Alto, CA 94301

Typewritten Full Name of Twelfth Inventor: Christopher J. Stringer Citizenship: Australia  
Inventor's signature:  Date of Signature: 2-27-07  
Residence: (City) Portola Valley (State/Country) CA/U.S.  
Address: 320 Cervantes Road, Portola Valley, CA 94028

Typewritten Full Name of Thirteenth Inventor: Eugene Antony Whang Citizenship: Canada  
Inventor's signature:  Date of Signature: 3-27-07  
Residence: (City) San Francisco (State/Country) CA/U.S.  
Address: #1-400 Dolores Street, San Francisco, CA 94114

Typewritten Full Name of Fourteenth Inventor: Rico Zorkendorfer Citizenship: Germany  
Inventor's signature:  Date of Signature: 02.27.07  
Residence: (City) San Francisco (State/Country) CA/U.S.  
Address: 327 Lombard Street, San Francisco, CA 94133

## DECLARATION FOR ORIGINAL U.S. PATENT APPLICATION

As a below-named inventor, I hereby declare that:

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I believe that I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: ELECTRONIC DEVICE, the specification of which,

- (check one)
1.  is attached hereto.
  2.  was filed on January 5, 2007 as  
U.S. Application No. 29/270,888.
  3.  was filed on \_\_\_\_\_ as  
PCT International Application No. \_\_\_\_\_  
and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

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			Priority Not Claimed	Cert. Copy Attached
_____ (Application No.)	_____ (Country)	_____ (Filing Date)	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Application No.)	_____ (Country)	_____ (Filing Date)	<input type="checkbox"/>	<input type="checkbox"/>

**Direct Correspondence To:**

**Customer Number: 062464**

**Direct Telephone Calls To:**

**Michael J. Ferrazano at telephone number (408) 255-8001**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Typewritten Full Name of  
First Inventor: Bartley K. Andre Citizenship: U.S.

Inventor's signature: \_\_\_\_\_ Date of Signature: \_\_\_\_\_

Residence: (City) Menlo Park (State/Country) CA/U.S.

Address: 655 Fourteenth Ave., Menlo Park, CA 94025

Typewritten Full Name of  
Second Inventor: Daniel J. Coster Citizenship: New Zealand

Inventor's signature: \_\_\_\_\_ Date of Signature: \_\_\_\_\_

Residence: (City) San Francisco (State/Country) CA/U.S.

Address: 471 14<sup>th</sup> Street, San Francisco, CA 94103

Typewritten Full Name of  
Third Inventor: Daniele De Iuliis Citizenship: IT

Inventor's signature: \_\_\_\_\_ Date of Signature: \_\_\_\_\_

Residence: (City) San Francisco (State/Country) CA/U.S.

Address: 50 Digby Street, San Francisco, CA 94131

Typewritten Full Name of  
Fourth Inventor: Richard P. Howarth Citizenship: Great Britain

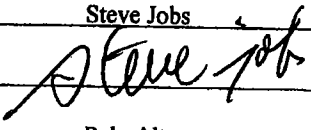
Inventor's signature: \_\_\_\_\_ Date of Signature: \_\_\_\_\_

Residence: (City) San Francisco (State/Country) CA/U.S.

Address: 3928 17<sup>th</sup> Street, San Francisco, CA 94114



Typewritten Full Name of Fifth Inventor: Jonathan P. Ive Citizenship: Great Britain  
Inventor's signature: \_\_\_\_\_ Date of Signature: \_\_\_\_\_  
Residence: (City) San Francisco (State/Country) CA/U.S.  
Address: 196 Twin Peaks Blvd., San Francisco, CA 94114

Typewritten Full Name of Sixth Inventor: Steve Jobs Citizenship: U.S.  
Inventor's signature:  Date of Signature: 3/13/07  
Residence: (City) Palo Alto (State/Country) CA/U.S.  
Address: 2101 Waverley Street, Palo Alto, CA 94301

Typewritten Full Name of Seventh Inventor: Duncan Robert Kerr Citizenship: Great Britain  
Inventor's signature: \_\_\_\_\_ Date of Signature: \_\_\_\_\_  
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Address: 2600 18<sup>th</sup> Street, #15, San Francisco, CA 94110

Typewritten Full Name of Eighth Inventor: Shin Nishibori Citizenship: Japan  
Inventor's signature: \_\_\_\_\_ Date of Signature: \_\_\_\_\_  
Residence: (City) San Francisco (State/Country) CA/U.S.  
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Residence: (City) San Francisco (State/Country) CA/U.S.  
Address: 327 Lombard Street, San Francisco, CA 94133

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>				
<b>Filing Date:</b>				
<b>Title of Invention:</b>	Electronic Device			
<b>First Named Inventor/Applicant Name:</b>	Bartley K. ANDRE			
<b>Filer:</b>	Tracy-Gene G. Durkin/Dana Bennett Jackson			
<b>Attorney Docket Number:</b>	2607.0590002(P4984USD1)			
Filed as Large Entity				
<b>Design Filing Fees</b>				
<b>Description</b>	<b>Fee Code</b>	<b>Quantity</b>	<b>Amount</b>	<b>Sub-Total in USD(\$)</b>
<b>Basic Filing:</b>				
Design application filing	1012	1	220	220
Design Search Fee	1112	1	100	100
Design Examination	1312	1	140	140
<b>Pages:</b>				
<b>Claims:</b>				
<b>Miscellaneous-Filing:</b>				
<b>Petition:</b>				
<b>Patent-Appeals-and-Interference:</b>				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
<b>Post-Allowance-and-Post-Issuance:</b>				
<b>Extension-of-Time:</b>				
<b>Miscellaneous:</b>				
<b>Total in USD (\$)</b>				<b>460</b>

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	4306140
<b>Application Number:</b>	29328018
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	7091
<b>Title of Invention:</b>	Electronic Device
<b>First Named Inventor/Applicant Name:</b>	Bartley K. ANDRE
<b>Customer Number:</b>	63975
<b>Filer:</b>	Tracy-Gene G. Durkin/Dana Bennett Jackson
<b>Filer Authorized By:</b>	Tracy-Gene G. Durkin
<b>Attorney Docket Number:</b>	2607.0590002(P4984USD1)
<b>Receipt Date:</b>	18-NOV-2008
<b>Filing Date:</b>	
<b>Time Stamp:</b>	10:30:21
<b>Application Type:</b>	Design

### Payment information:

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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Miscellaneous Incoming Letter	26070590002cvgltr.pdf	69202 f407bb6b28115073c5608c3d93f054254ab33ef6	no	2
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<b>Information:</b>					
2	Transmittal of New Application	26070590002apptrns.pdf	69460 c3ea09e3b9de98a894c120de501660b88d3de77e	no	1
<b>Warnings:</b>					
<b>Information:</b>					
3	Authorization for Extension of Time all replies	26070590002eotauth.pdf	29738 c9cf6deaa364d3c3672f5785718dd477dc6a3c8	no	1
<b>Warnings:</b>					
<b>Information:</b>					
4	Application Data Sheet	26070590002ads.pdf	262746 315d8674975e67a6189287f27c0fd8b6cb762b69	no	9
<b>Warnings:</b>					
<b>Information:</b>					
This is not an USPTO supplied ADS fillable form					
5		26090590002specdrw.pdf	422494 21f1063aa369e5284db6af9badcf8c8429a68f9	yes	12
	<b>Multipart Description/PDF files in .zip description</b>				
	<b>Document Description</b>		<b>Start</b>	<b>End</b>	
	Specification		1	3	
	Claims		4	4	
Drawings-only black and white line drawings		5	12		
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<b>Information:</b>					
6	Oath or Declaration filed	26070590002dec.pdf	248535 a8108e2029bec3d5073998d9b0e74be43d82898b	no	8
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<b>Information:</b>					
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<b>Warnings:</b>					
<b>Information:</b>					

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8	Fee Worksheet (PTO-06)	fee-info.pdf	32952	no	2
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**Warnings:**

**Information:**

**Total Files Size (in bytes):** 1478482

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**New Applications Under 35 U.S.C. 111**

**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**

**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**

**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE                  STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete If Known</b>		
				Application Number	To be assigned	
				Filing Date	Herewith	
				First Named Inventor	ANDRE <i>et al.</i>	
				Art Unit	To be assigned	
				Examiner Name	To be assigned	
Sheet	1	of	3	Attorney Docket Number	2607.0590002(P4984USD1)	

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	US1	D289,873	05-19-1987	Gemmell <i>et al.</i>	
	US2	D337,569	07-20-1993	Kando	
	US3	D456,023	04-23-2002	Andre <i>et al.</i>	
	US4	D489,731	05-11-2004	Huang	
	US5	D498,754	11-23-2004	Blyth	
	US6	D499,423	12-07-2004	Bahroocha <i>et al.</i>	
	US7	D502,173	02-22-2005	Jung <i>et al.</i>	
	US8	D504,889	05-10-2005	Andre <i>et al.</i>	
	US9	D505,950	06-07-2005	Summit <i>et al.</i>	
	US10	2005/0130715	06-16-2005	Fujisawa	
	US11	D507,003	07-05-2005	Pai <i>et al.</i>	
	US12	D514,121	01-31-2006	Johnson	
	US13	D514,590	02-07-2006	Naruki	
	US14	D519,523	04-25-2006	Chiu <i>et al.</i>	
	US15	D520,020	05-02-2006	Senda <i>et al.</i>	
	US16	D528,542	09-19-2006	Luminosu <i>et al.</i>	
	US17	D528,561	09-19-2006	Ka-Wei <i>et al.</i>	
	US18	D529,045	09-26-2006	Shin	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Kind Code <sup>5</sup> (in known)				
	FP1	KR 30-0452432	06-14-2007			

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.  
 This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
		Application Number		To be assigned	
		Filing Date		Herewith	
		First Named Inventor		ANDRE <i>et al.</i>	
		Art Unit		To be assigned	
		Examiner Name		To be assigned	
		Attorney Docket Number		2607.0590002(P4984USD1)	
Sheet	2	of	3		

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	US19	D532,791	11-28-2006	Kim	
	US20	2006/0281501	12-14-2006	Zuo <i>et al.</i>	
	US21	D534,143	12-26-2006	Lheem	
	US22	D535,281	01-16-2007	Yang	
	US23	D536,691	02-13-2007	Park	
	US24	D538,822	03-20-2007	Andre <i>et al.</i>	
	US25	2007/0082718	04-12-2007	Yoon <i>et al.</i>	
	US26	D541,298	04-24-2007	Andre <i>et al.</i>	
	US27	D541,299	04-24-2007	Andre <i>et al.</i>	
	US28	D546,313	07-10-2007	Lheem	
	US29	D548,747	08-14-2007	Andre <i>et al.</i>	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Kind Code <sup>5</sup> (in known)				

Examiner Signature	Date Considered
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				Filing Date		Herewith	
				First Named Inventor		ANDRE <i>et al.</i>	
				Art Unit		To be assigned	
				Examiner Name		To be assigned	
Sheet	3	of	3	Attorney Docket Number		2607.0590002(P4984USD1)	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	NPL1	Samsung F700, announced February 2007, [online], [retrieved on 02-08-07]. Retrieved from Internet ,<URL:http://www.gsmarena.com>	
	NPL2	Philips S900, announced June 2006, [online], [retrieved on 02-20-07]. Retrieved from Internet ,<URL:http://www.gsmarena.com>	
	NPL3	LG KE850 Prada, announced January 2007, [online], [retrieved on 02-20-07]. Retrieved from Internet ,<URL:http://www.gsmarena.com>	
	NPL4	Apple iPhone, announced January 2007, [online], [retrieved on 03-12-07]. Retrieved from Internet ,<URL:http://www.gsmarena.com>	
	NPL5	Tinnos PDA, posted May 19, 2006, [online], [retrieved on 08-22-07]. Retrieved from Internet ,<URL:http://www.mobilewhack.com>	
	NPL6	Meizu M8, posted January, 29, 2007, [online], [retrieved on 09-13-07]. Retrieved from Internet ,<URL:http://www.engadget.com>	
	NPL7	U.S. Appl. No. 29/284,271, Andre et al., Electronic Device, filed 09-04-2007.	
	NPL8	U.S. Appl. No. 29/284,312, Andre et al., Electronic Device, filed 09-05-2007.	
	NPL9	U.S. Appl. No. 29/319,377, Andre et al., Electronic Device, filed 06-06-2008.	

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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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\*Practice Limited to  
Federal Agencies

November 18, 2008

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(202) 772-8660

INTERNET ADDRESS:  
TDURKIN@SKGF.COM

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Design Patent Application  
(Divisional of Appl. No. 29/282,834; Filed July 30, 2007)  
Appl. No. To be assigned; Filed: November 14, 2008  
For: **Electronic Device**  
Inventors: ANDRE *et al.*  
Our Ref: 2607.0590002(P4984USD1)/TGD/AKS

Sir:

The following documents are transmitted herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Design Patent Application Transmittal Form (PTO/SB/18);
2. Online Credit Card Payment Authorization for \$460.00 to cover basic filing, search, and examination fees;
3. Authorization to Treat a Reply as Incorporating an Extension of Time Under 37 C.F.R. § 1.136(a)(3);
4. U.S. Design Patent Application entitled:

**Electronic Device**

and naming as inventors:

Bartley K. ANDRE  
Daniel J. COSTER  
Daniele DE IULIIS  
Richard P. HOWARTH  
Jonathan P. IVE  
Steve JOBS

Duncan Robert KERR  
Shin NISHIBORI  
Matthew Dean ROHRBACH  
Douglas B. SATZGER  
Calvin Q. SEID  
Christopher J. STRINGER  
Eugene Antony WHANG  
Rico ZORKENDORFER

the application consisting of:

- a. an Application Data Sheet (37 C.F.R. § 1.76);
  - b. 4 pages of textual specification including one claim;
  - c. 8 sheets of formal drawings comprising Figures 1-32; and
  - d. A copy of the executed Declaration, as filed in U.S. Appl. No. 29/282,834;
5. An Information Disclosure Statement (IDS);
  6. IDS Forms (3 pages) citing documents US1-US29, FP1 and NPL1-NPL9.

The above-listed documents are filed electronically through EFS-Web.

Fee payment is provided through online credit card payment. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Tracy-Geoff G. Durkin  
Attorney for Applicants  
Registration No. 32,831

TGD/AKS:dbj  
Enclosures

902171\_1.DOC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ANDRE *et al.*

Appl. No.: *To be assigned (Divisional of U.S. Appl. No. 29/282,834; Filed: July 30, 2007)*

Filed: *Herewith*

For: **Electronic Device**

Confirmation No.: *To be assigned*

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket:  
2607.0590002(P4984USD1)/TGD/AKS

**Information Disclosure Statement**

*Mail Stop Amendment*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. §1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).
- 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but on or before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$\_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
  - a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure

Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3).
7. In accordance with 37 C.F.R. § 1.98(a)(2), no copies of U.S. patents and patent application publications cited on the attached IDS Forms are submitted. Further, NPL7-NPL9 are believed to be stored on the Image File Wrapper System. Thus, copies of these documents are not attached. MPEP 1406; 1287 O.G. 163 (Oct. 19, 2004).



8. Copies of the documents FP1 and NPL1-NPL6 were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 29/282,834, filed July 30, 2007, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
9. It is expected that the examiner will review the prosecution and cited art in the parent application nos. 29/282,834, filed July 30, 2007 and 29/270,888, filed January 5, 2007 in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Tracy-Gen G. Durkin  
Attorney for Applicants  
Registration No. 32,831

Date: November 18, 2008

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Atty. Dkt. No. 2607.0590002(P4984USD1)/TGD/AKS

**APLPROS0000011644**



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CONFIRMATION NO. 7091

63975
STERNE KESSLER GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

FILING RECEIPT



Date Mailed: 11/28/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

- Bartley K. ANDRE, Menlo Park, CA;
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Eugene Anthony Whang, San Francisco, CA;
Rico Zorkendorfer, San Francisco, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a DIV of 29/282,834 07/30/2007 PAT D,581,922
which is a CON of 29/270,888 01/05/2007 PAT D,558,758

Foreign Applications

If Required, Foreign Filing License Granted: 11/26/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 29/328,018**

**Projected Publication Date:** None, application is not eligible for pre-grant publication

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Electronic Device

**Preliminary Class**

D14

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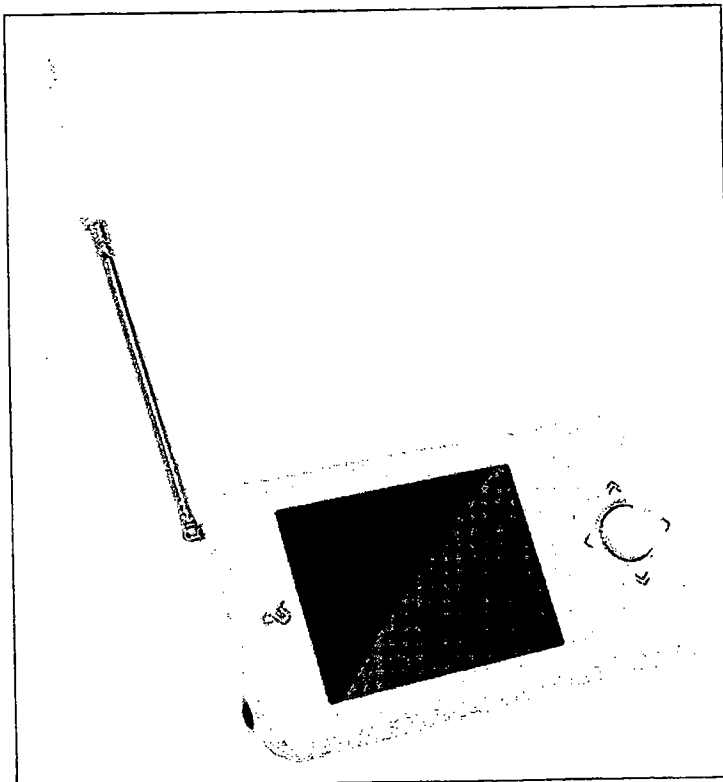
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# 黑白猜 LG新颖DMB MP3 FM35精美图赏

时间: 2006-06-29 作者: 来源: 海龙资讯

第1页: 纯白演艺

对于LG的新品DMB MP3——FM35，我们以前早有报道：DMB战火愈演愈烈 LG新推FM35、MP3+DMB LG FM35，而今天要给大家展示的是韩国网站pmpinside和minivian为FM35拍摄的精美图片，很凑巧的是这两个网站拍摄的分别是一黑一白两款机器，倒是更加充分的展示FM35的魅力所在。



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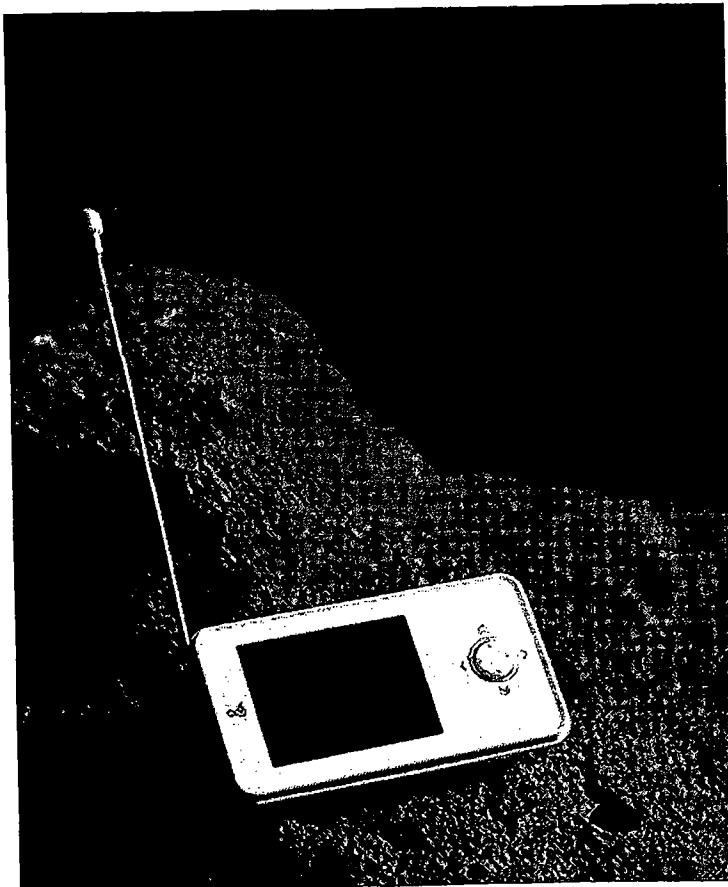
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时间: 2006-06-29 作者: 来源: 海龙资讯

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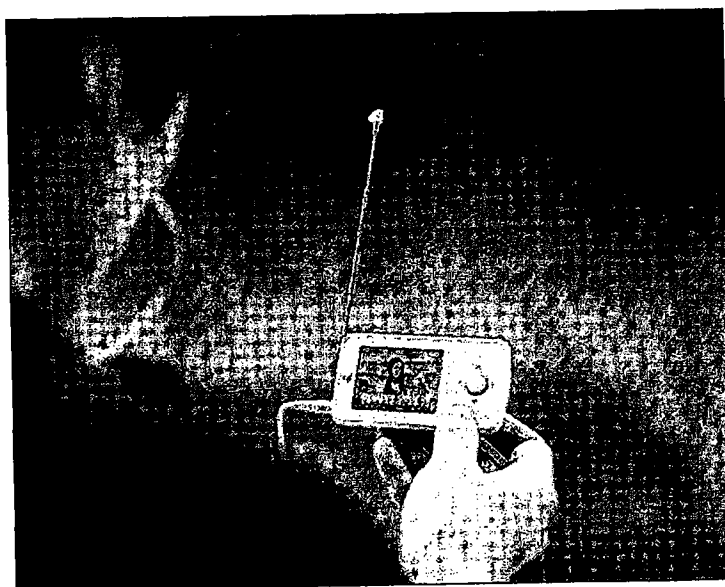
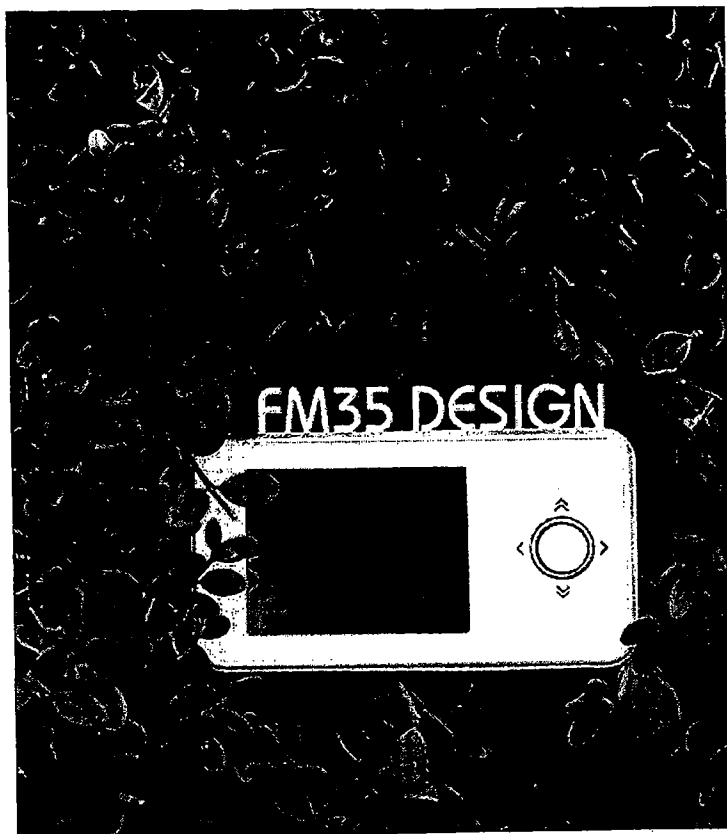
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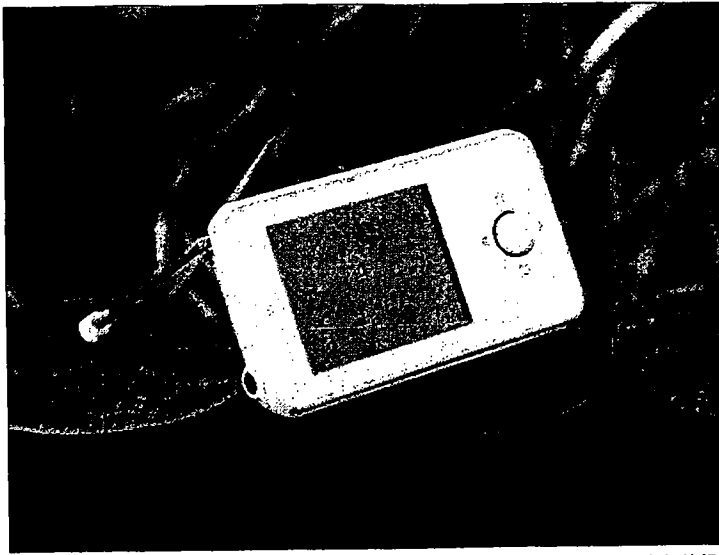
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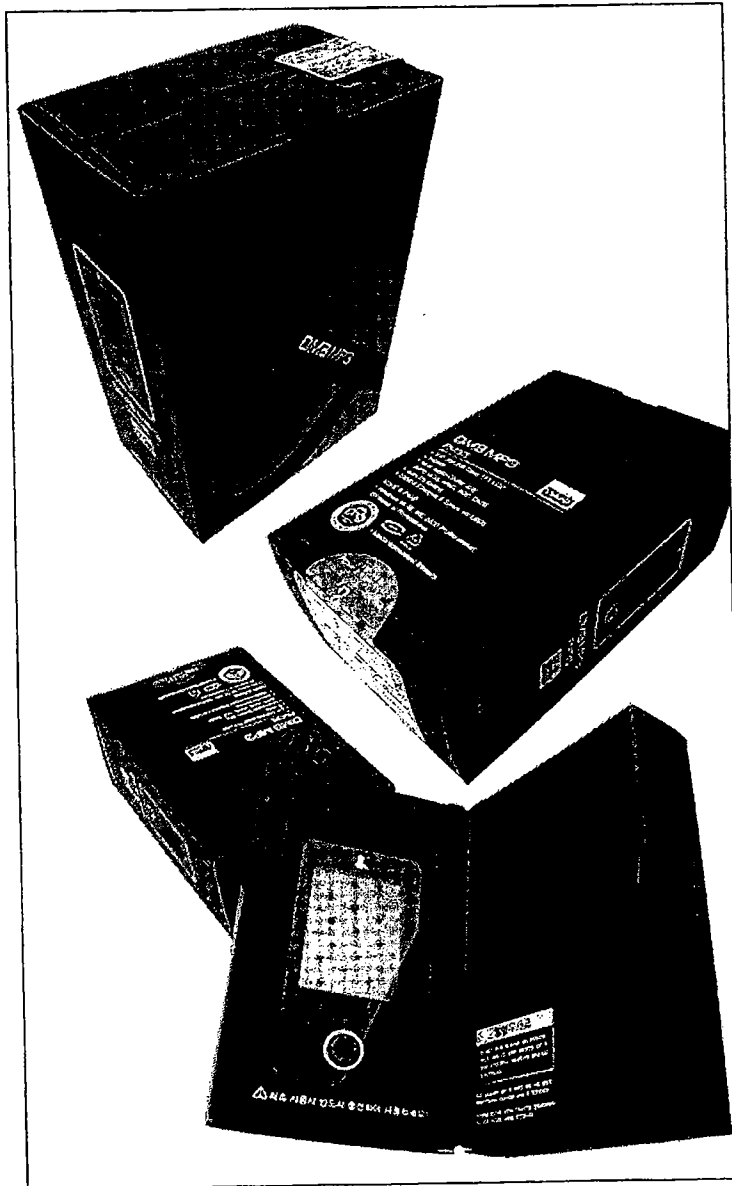


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时间: 2006-06-29 作者: 来源: 海龙资讯

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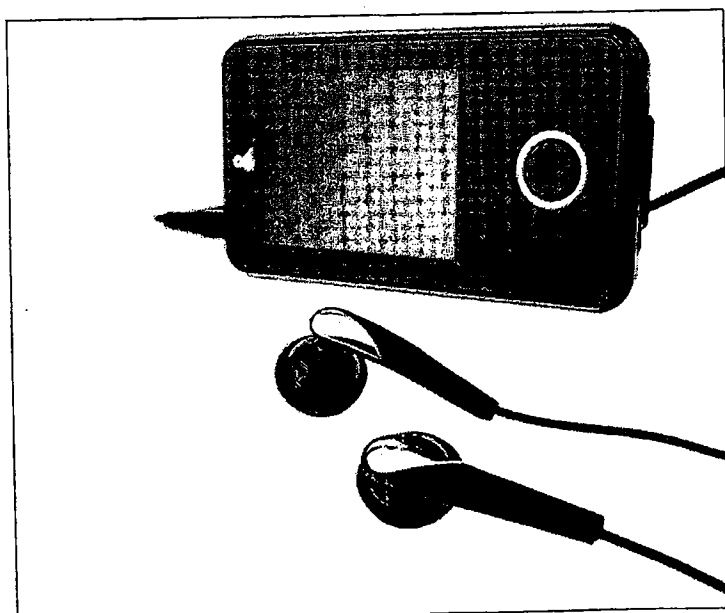
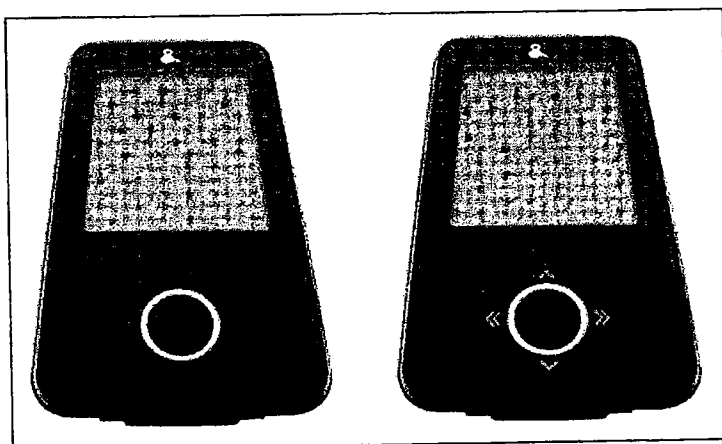
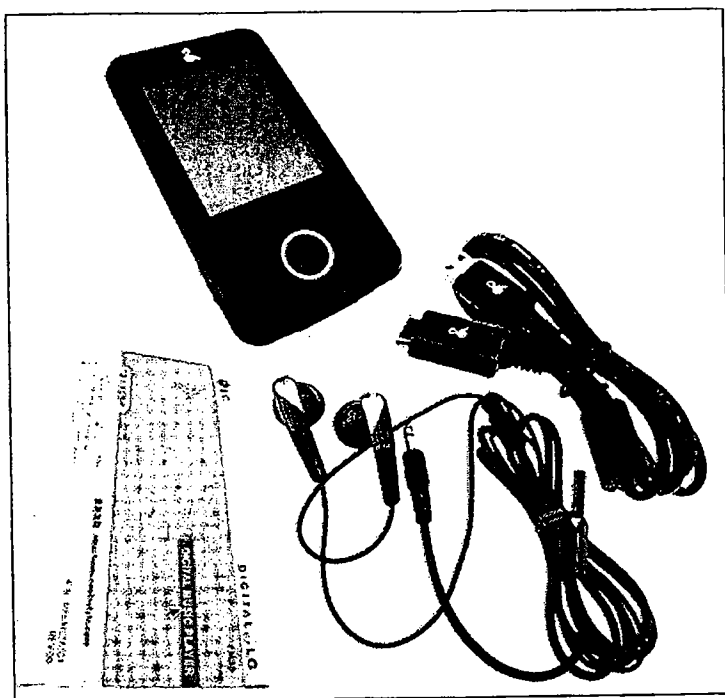
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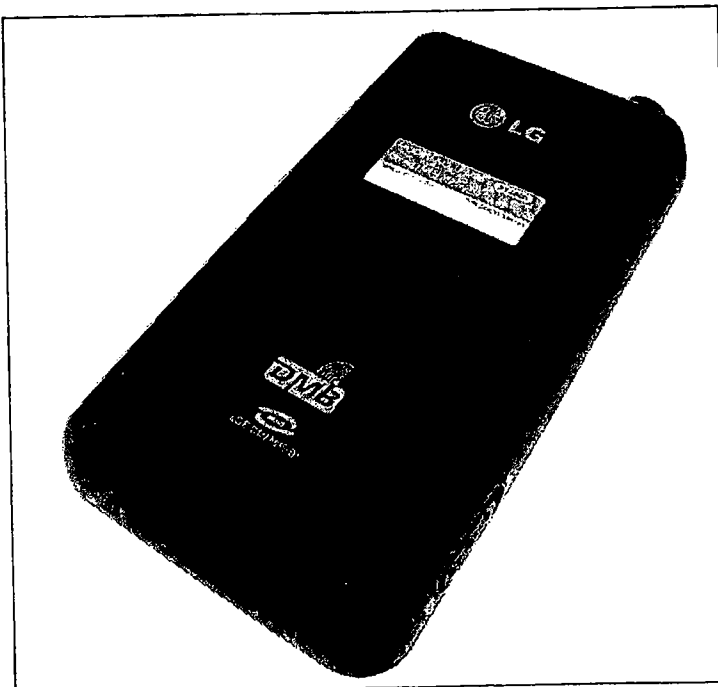
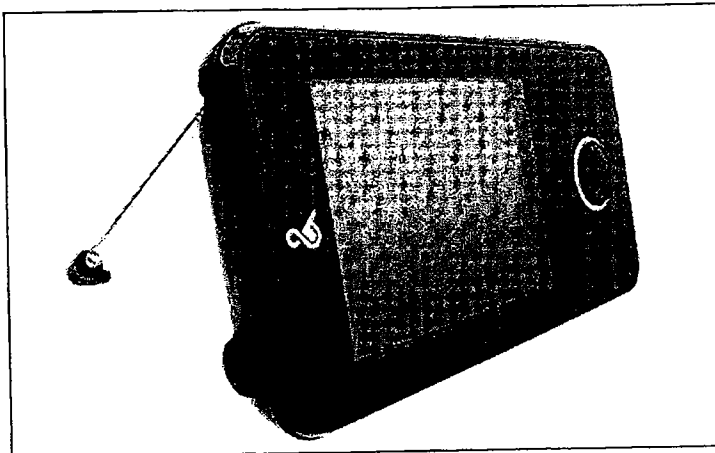


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时间: 2006-06-29 作者: 来源: 海龙资讯

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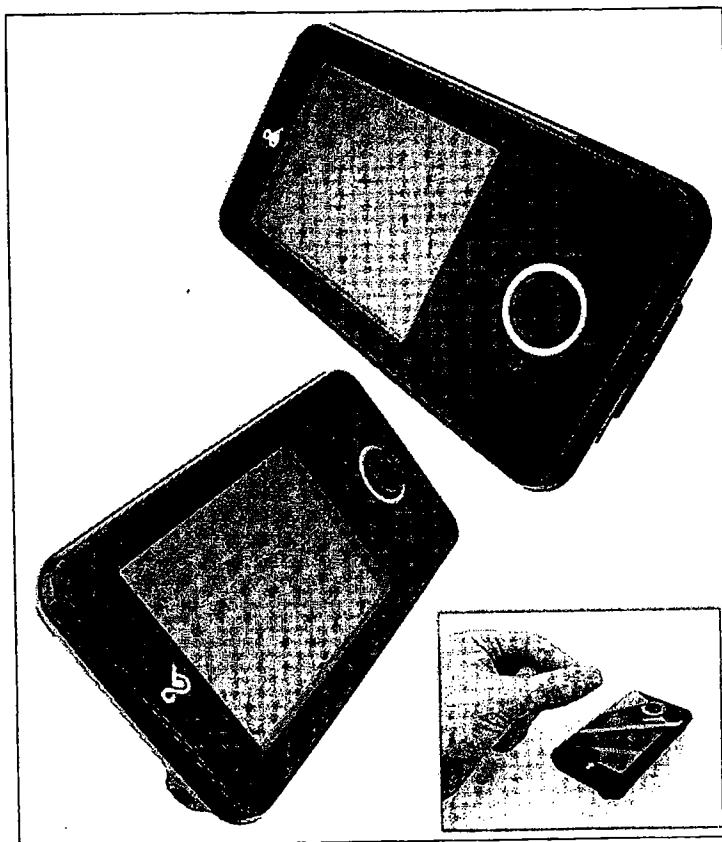
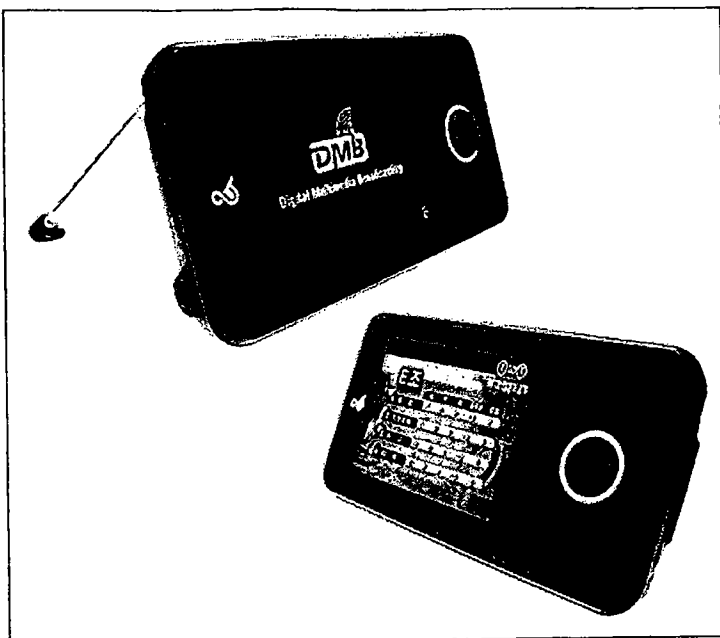
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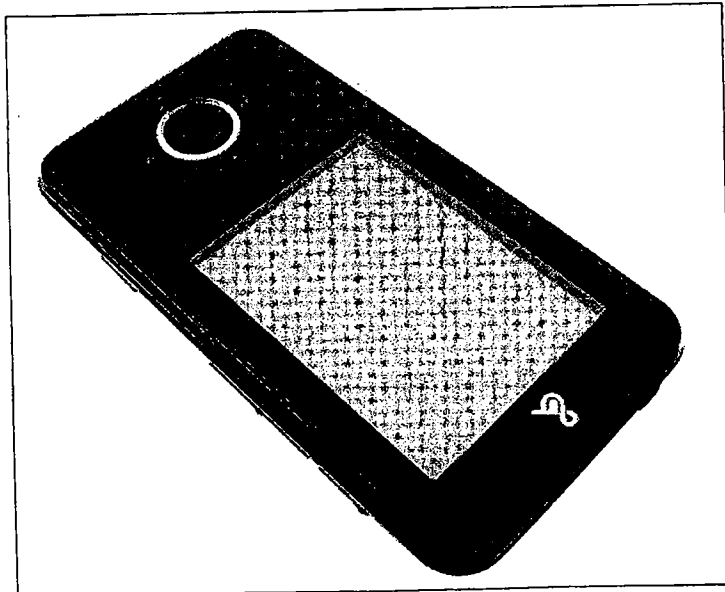
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时间: 2006-06-29 作者: 来源: 海龙资讯

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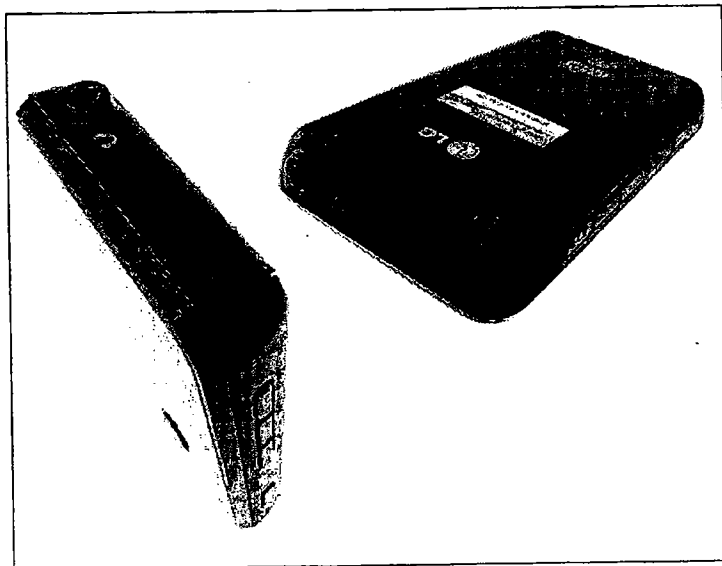
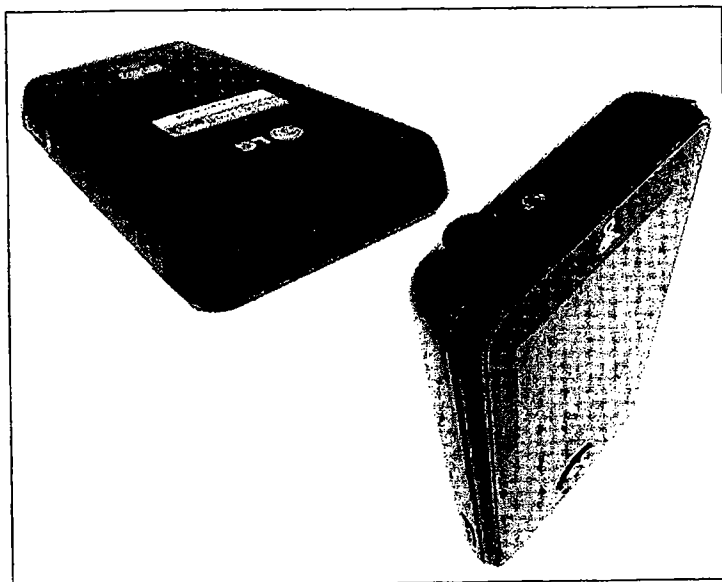
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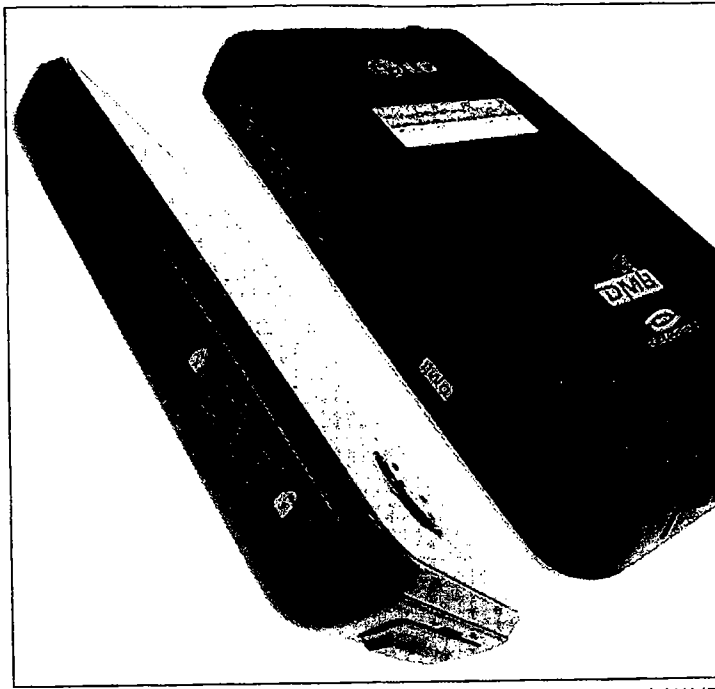
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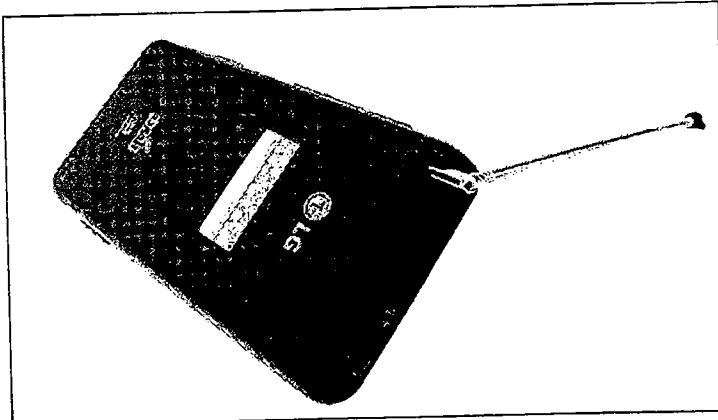
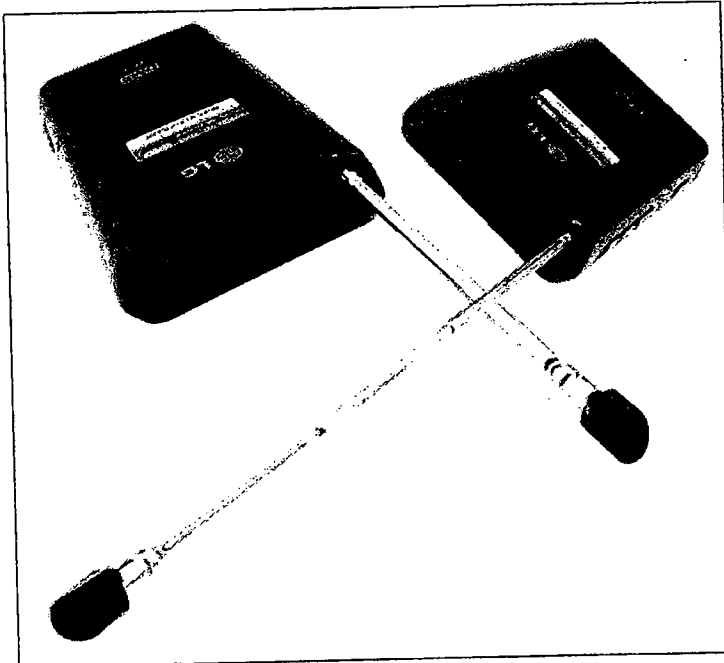


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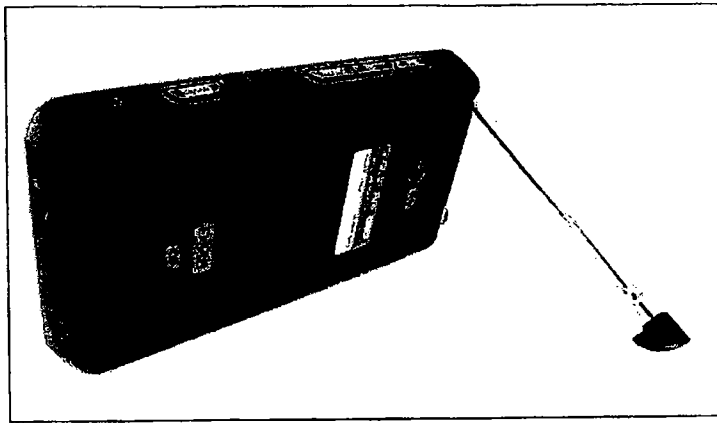
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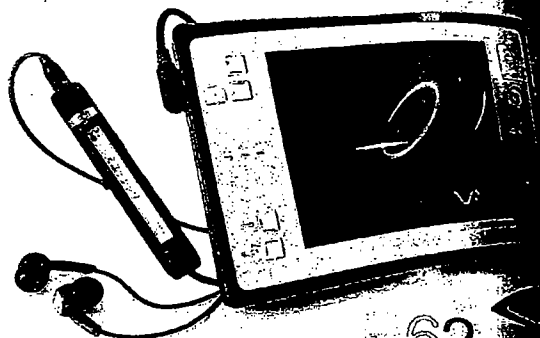


领导数码时尚新生活

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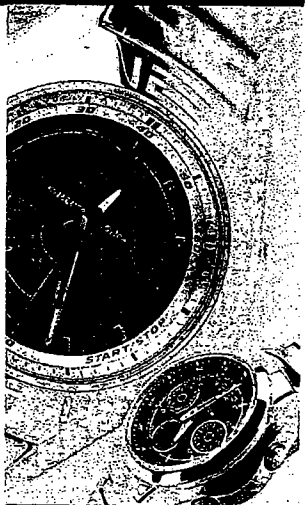
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2004

年终回顾之 戏说三十六计

目 P116 专辑

在即将告别 2004 年之际，我们并不希望以刻板而俗套的年终盘点来结束这异彩纷呈的一年。数码《三十六计》一个个尘封在你记忆深处的兵法故事即将具有全新的现代诠释。

幕背光均匀，色彩过渡自然，没有生硬的色块。而文字的显示则显得特别精细，字体笔画圆润，让人丝毫感觉不到屏幕缩小对阅读带来的负面影像。

CPU方面，多普达818采用了英特尔XScale PXA270 416MHz CPU，具备了较强的运算能力，也为多媒体应用打下了坚实的基础。同样，运行SPB Benchmark，测试得到了1618分的总成绩，在同级别的Pocket PC中处于上游。看来，即便只是单纯作为PPC，818在目前的PPC市场上仍然可占有一席之地。

在关闭电话功能（即开启飞行模式），开启最大声音和最大背光，连续全屏播放有声视频的电池消耗测试中，使用多普达原配的3.7V 1200mAh电池得到了224分钟的成绩。在416MHz的频率下，能够有如此的表现，足以让用户对其续航能力放心。

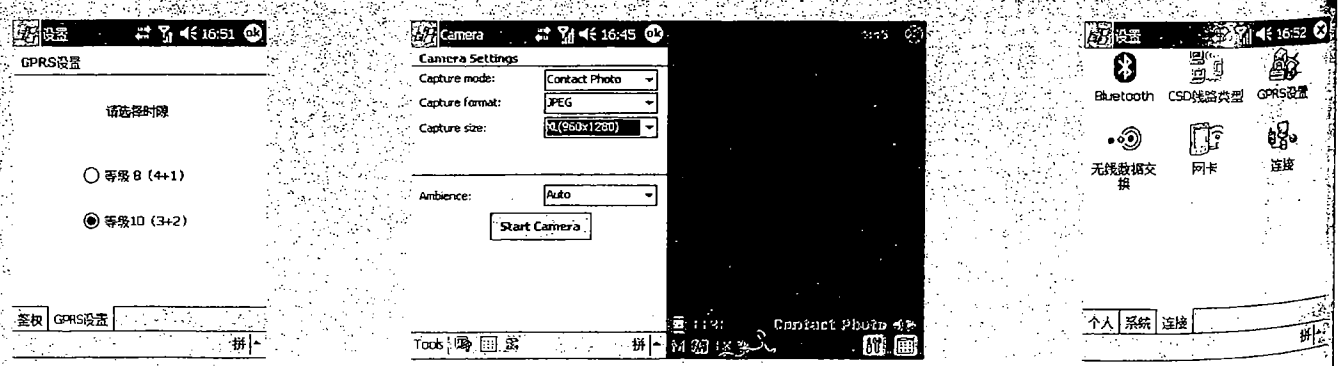
简单的软件配备并不影响818的性能发挥，信奉经典也许才是优雅女人和个性男士真正需要的，而818也正是个中高手。

多普达818在软件配置上并没有大手笔，软件以操作系统自带的为主，但随机附带的“SIM卡管理器”和“Windows Media Player 1.0”等软件绝对算得上经典。此外，818在网络连接设置上还专门进行了强化，允许用户在设置菜单中对多种上网方式进行详细的设置。如允许用户对GPRS级数进行设置，可以分别选择Class 8（4+1）或Class 10（3+2），还用户更多的自由空间。

此外，130万像素的摄像头并没有配备太多花哨的拍摄功能，而是仅仅提供了选择照片尺寸（最大1280×960）、拍摄模式（静态还是动态）、存盘格式（JPEG或BMP）等项目，让用户可以在简单设置后享受拍摄的乐趣。拍摄状态可以直接和相册互相切换，随时浏览拍摄得到的照片，颇具人性化。



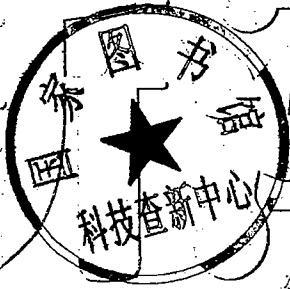
藏身于自拍镜下的扬声器整体表现不错



- 左 可选择GPRS级数的选项在应用中有实际的意义
- 中 拍摄设置选项简单明了
- 右 “连接”设置页面下，提供了极为丰富的设置项目，用户对于无线连接有了更多的自主权

### 总结

在多普达818这位开拓者面前，出现的是一条光明大道，毕竟打开了顶起人类半边天的女性市场，就意味着PPC Phone在理论上多出了一倍的市场空间。更何况，多普达818并非仅仅适用于女性用户，它也容易得到大多数男性用户的青睐，毕竟用“砖块”长时间通话只能是权宜之计。



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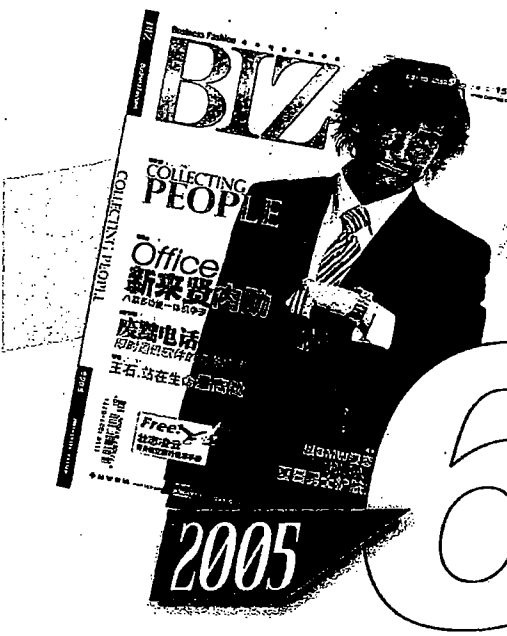
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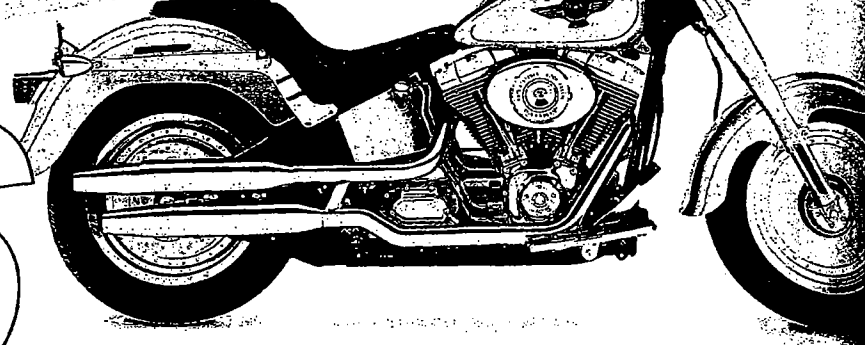
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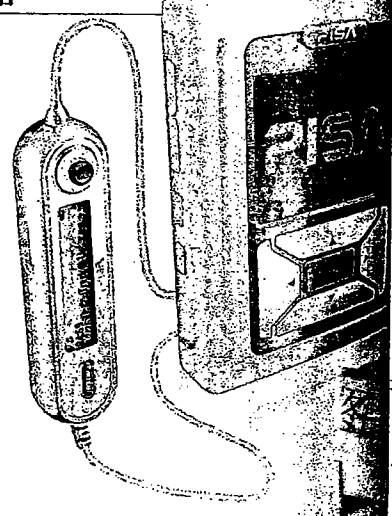
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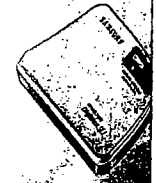
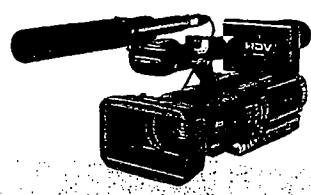
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三星 X50 笔记本电脑



## 换件男人装 多普达 828+ 智能手机

多普达移动通信有限公司  
Dopod Mobile Communications, Ltd.

哇，真酷！记得去年漂亮的秘书小姐在收到多普达 818 时不由的发出了一声惊叹。而当天秘书小姐拆开其后继机型多普达 828+ 包装时，我又听到了这句赞叹。不过，发出声音的是恰巧路过的一位身高 1.80 米的壮汉同事，而秘书小姐则用沉默表达了她的意见。是的，只有男人才会对这样一款有着刚硬线条，通身金属灰的强大通信工具产生浓厚兴趣。定位于男性商务手机的多普达 828+ 保留了多普达 818 小巧的特点。较小的 2.8 英寸 (240 × 320) 65536 色 TFT 液晶屏在保证屏幕信息可读性的同时，有效地减少了机身体积 (108.2mm × 58mm × 18.2mm，重 150 克)。强大的 Windows Mobile 2003SE 操作系统则赋予了多普达 828+ 稳定的性能和丰富的网络和多媒体功能，配合英特尔 (Intel) XScale PXA272 416MHz 处理器、128MB 内存、SD 卡插槽、130 万像素 CMOS 摄像头以及 GPRS、蓝牙、红外功能，多普达 828+ 能够很好的完成网页浏览、拍照、音乐及影片播放任务。其实，多普达 828+ 的配置和多普达 818 几乎相同，只是在换装的同时将内存容量增加到 128MB。当你把这样一款外形庄重兼强烈科技感的智能手机握在宽大的手中时，一种世界尽在掌握的感觉油然而生，换件男人装的意义就在于此。



分享律动

## lenovo 联想

2005年5月，联想圆满完成了对IBM全球个人电脑业务的并购。新联想已成为世界第三大PC供应商，销售和服务网络遍及世界160个国家和地区。新联想将整合全球资源为中国客户奉献更高品质及创新技术的产品及服务。



### 超薄型 (超薄系列)

- |   |   |
|---|---|
|  <p><b>F690-256M</b></p> <ul style="list-style-type: none"> <li>■ 彰显魅力的镜面设计</li> <li>■ 双色大屏 OLED</li> <li>■ 独特五向键，操作方便</li> </ul>    |  <p><b>F360-128M</b></p> <ul style="list-style-type: none"> <li>■ 专业音频芯片，音质表现突出</li> <li>■ 简约磨砂外型设计</li> <li>■ 兼容校园广播频段</li> </ul> |
|  <p><b>F660-256M</b></p> <ul style="list-style-type: none"> <li>■ 7彩背光更加绚丽</li> <li>■ 金属与瓷白完美结合，点击流行时尚</li> </ul>                    |  <p><b>F680-256M</b></p> <ul style="list-style-type: none"> <li>■ 双耳机插孔设计</li> <li>■ 双色大屏 OLED</li> </ul>                          |
|  <p><b>F350-128M</b></p> <ul style="list-style-type: none"> <li>■ 推拉式 MINI USB 端口</li> <li>■ 多种流行颜色选择</li> <li>■ 支持歌词同步显示</li> </ul> |    |


所有产品皆具以下特色▼



### 移动存储

- |  |
|--|
|  <p><b>超稳型 移动硬盘 (40G/60G/80G)</b></p> <ul style="list-style-type: none"> <li>■ 独有专利全三维动态防震技术，超强抗震</li> <li>■ 采用大容量缓存及联想独有 ultrafast 技术，加快存取速度</li> <li>■ 低电压启动技术，支持单 USB 口供电</li> </ul>       |
|  <p><b>魔卡 M 型 3C CARD (128M/256M/512M)</b></p> <ul style="list-style-type: none"> <li>■ 创新“双向”接口存储技术，一卡通吃多种数码设备</li> <li>■ 兼备 SD/MMC 和 USB 接口，方便易用</li> <li>■ 在 3C 产品之间自由交换数据，共享资源</li> </ul> |

### 数码相机

- |   |
|---|
|  <p><b>V50C 500万像素</b></p> <ul style="list-style-type: none"> <li>■ 国内第一款 5M 像素 CMOS 技术数码相机，照片清晰，省电耐用。</li> <li>■ 10 种场景拍摄模式，简单易用，色彩鲜艳。</li> <li>■ 小巧精致，便于随身携带。</li> </ul> |
|---|

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NPL24

# 通信技术与

科技查新

# 本年度必买新品

PMA & CeBIT展会新品报道

明显不同

MOTO 明

爱上冲浪板

NOKIA Internet Tablet 770

再见,花瓶

6款卡片DC横向评测

深度测试 SONY DSC-R1

iPod外放设备大搜罗

# 新彩妆 dopod 830



ISSN 1002-0802

04

# 科技迷的年度例汤

对于北京来说，3月中下雪，漫天大雪，可不是常有的事儿。至少在我记忆里是这样。雪势来得急，顿时阴云倾城，雪片密集得很，站不过1分钟就变成个大雪人。来得急去得也快，那片阴云将要从天顶移开之际，阳光穿透被洗刷洁净的空气直达大地，渐小的雪片在一片明朗中欢快的蹦着跳着，落到地面融为一体。一场“阳光雪”扫去阴霾，心情和雪后气温同步高涨起来。

汉诺威在这个季节下雪就不值得大惊小怪了。去年突如其来的一场中雪便把正在Cebit新闻中心的我们堵了个正着。今年倒是来了个开场白，Cebit开幕的头一天便飘起了雪花，像要给甚嚣尘上的科技热潮降温似的。可是由高科技元素炒热的新潮流岂是物理降温能起作用的！

看场内簇拥在千万像素拍照手机前的人群分明已经各个看红了眼，有了软硬件支持的 HD-DVD和Blue Ray Disc的对台戏唱得更热闹，电视手机继续升温，诺基亚N92还在吊着观众的胃口，三星、LG则将同时推出DVB-H和DMB标准的产品。

德国人在今年夏天就能真正在手机上观看世界杯了，巴伐利亚广播公司即将推出DVB-H标准的广播系统，回想去年体验过在诺基亚7710上看伊辛巴耶娃小规模破世界纪录的经历，随着系统的不断成熟，今年的32强争霸一定在手机上演绎得更精彩生动吧，到时候一定得去看看。

想看新产品的话，不用等待！继CES之后，PMA和Cebit两大展会又进入日程，新技术搭配我们煽风点火描述后煨出的年度例汤当然一如既往地给您奉上，翻开本期两大展会的报导，让新产品的诱惑力和你钱包的预期战斗力较量个高下吧。




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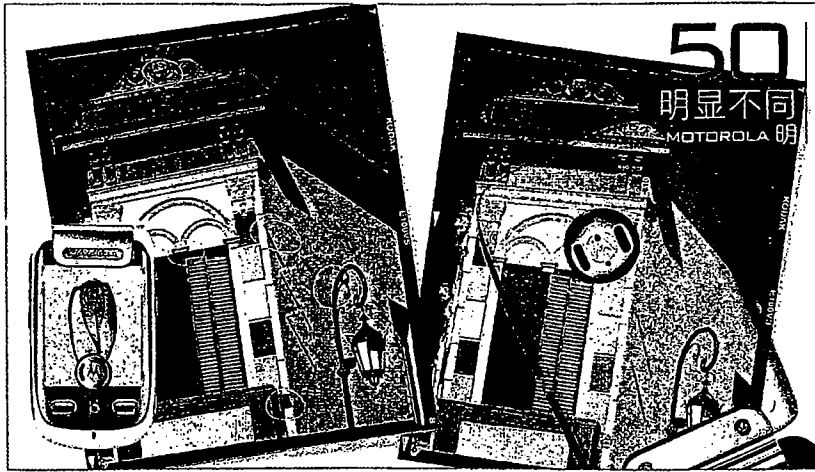
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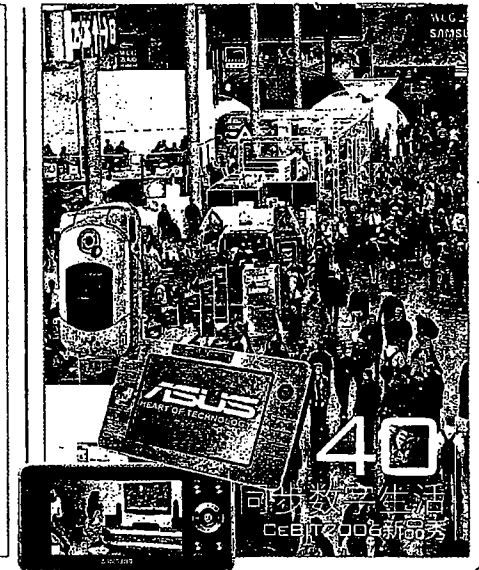
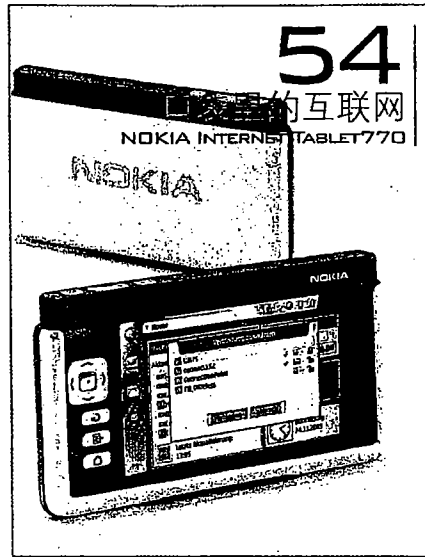
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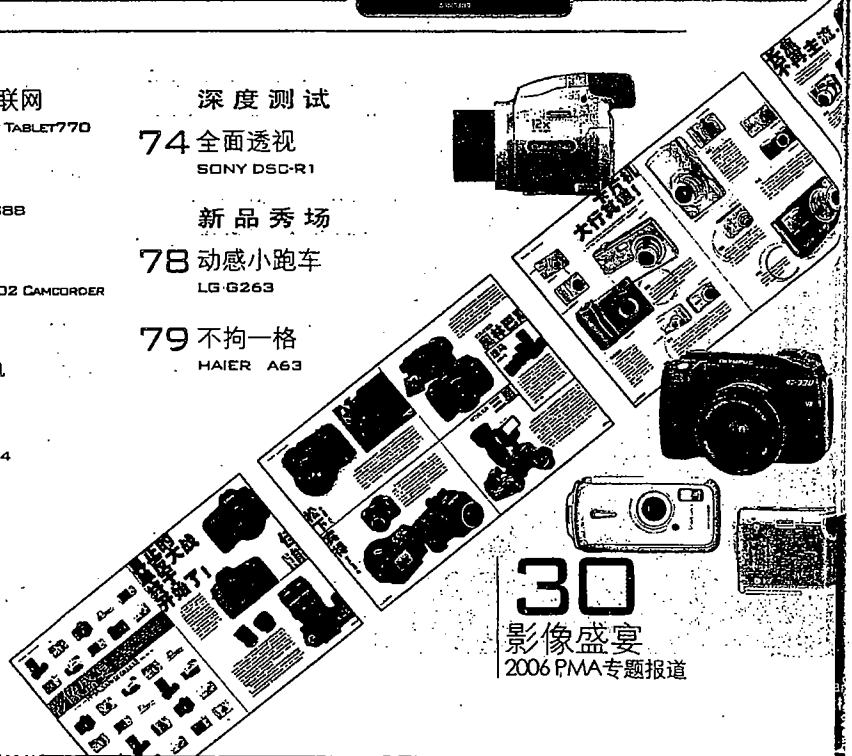
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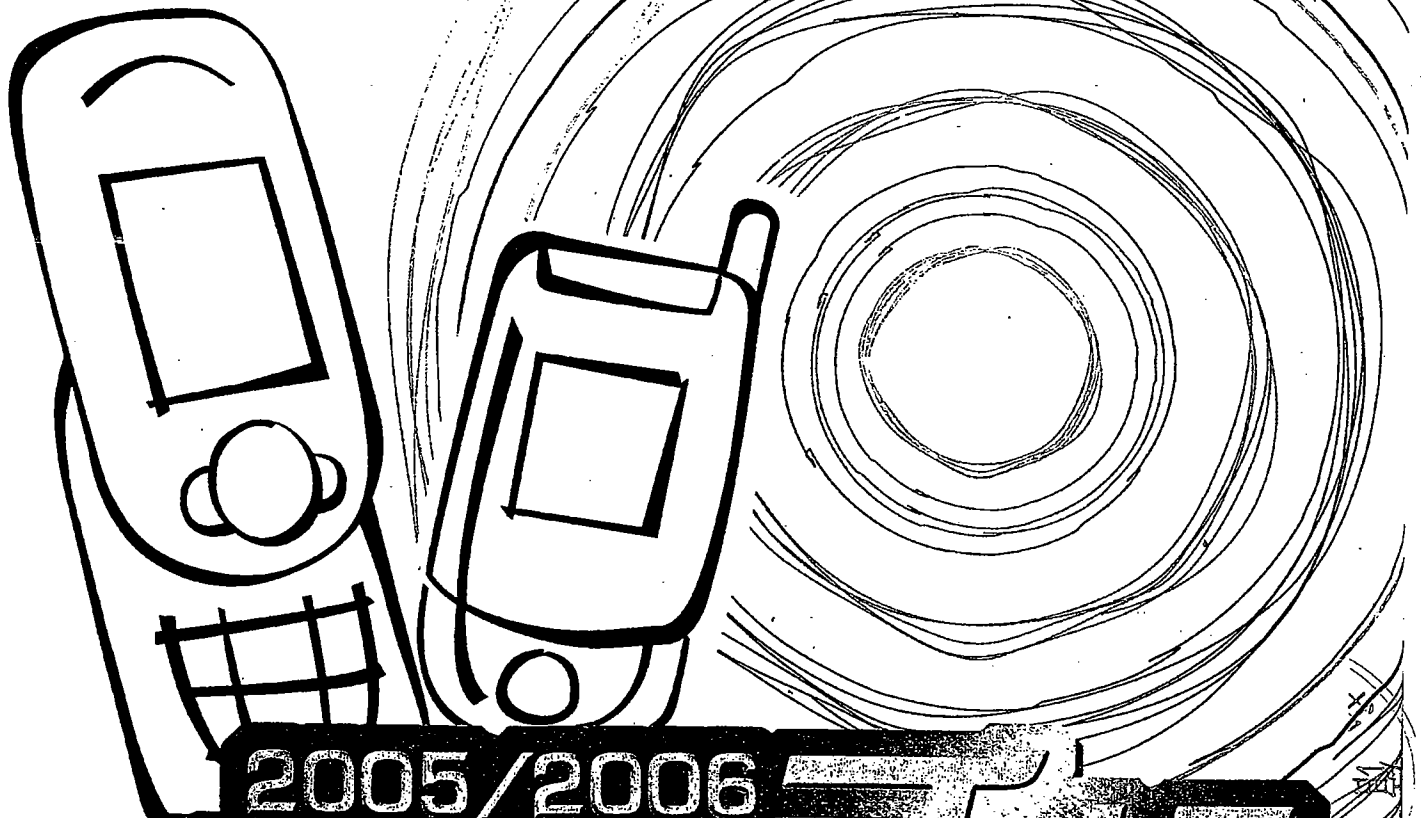


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- 79 不拘一格  
HAIER A63



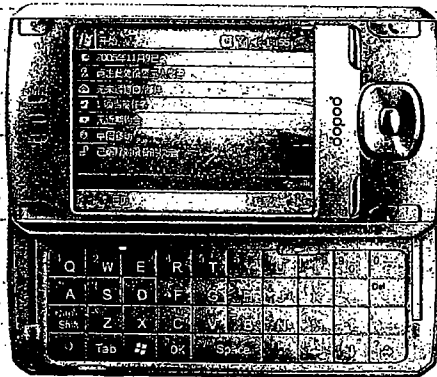


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# 风云手机

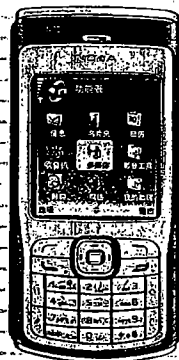


智能商务手机



**多普达838 34.02%**

国内第一款使用windows mobile5.0操作系列的智能手机，也在国内第一次采用侧翻键盘，为商务人士带来便利。两个第一加上强大、全面的功能，成为智能商务机型的魁首是当之无愧的。



**诺基亚N70 11.91%**

支持Symbian S60智能平台，能够提供更多的第三方软件支持，使其商务功能毫不逊色。加之强大的娱乐功能，让繁忙人士也能商务娱乐两不误。



**多普达828+ 10.69%**

采用windows mobile2003版本，功能虽不及838+完美，但也称得上强大。它的外形简洁，机身轻巧，是男女都适合使用的PDA手机。为其加分不少。

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Petitioner:	SHANGHAI LEON NETWORKS INFORMATION CO., LTD

## Notification for Acceptance of Request for Invalidation

To the Patentee:

The petitioner filed a request for invalidation of the captioned patent on Nov. 21, 2008. After a formal examination, the request is found to be in conformity with the provisions of the Chinese Patent Law and the Implementing Regulations of the Chinese Patent Law, and thus is accepted. The patentee is requested to make observations on the request for invalidation within **one month** of receipt of this notification. Failing to respond within said time limit will not affect the Patent Reexamination Board's examination thereof. The observations shall be submitted in two copies, with the PRB's docket number and the patent number indicated.

Pursuant to Rule 68 of the Implementing Regulations of the Chinese Patent Law,

during the examination of the request for invalidation, the patentee of a patent for invention or utility model may amend the claims, but cannot enlarge the protection scope of the original patent. The patentee of the patent for invention or utility model cannot amend the description and the drawings. The patentee of a patent for industrial design cannot amend the drawings, photographs and the brief explanation of the design.

Pursuant to Rule 70 of the Implementing Regulations of the Chinese Patent Law, during the examination of the request for invalidation, the deadlines specified by the Patent Reexamination Board shall not be extended.

Pursuant to provisions of Rule 71 of the Implementation of the Chinese Patent Law, before the Patent Reexamination Board makes a decision on the request for invalidation, the petitioner for invalidation may withdraw such a request. Where the petitioner for invalidation withdraws his request before the Patent Reexamination Board makes the decision, the procedures for examining the request for invalidation shall be terminated.

According to provisions relate to presenting evidence in a foreign language of the Section 2.2.1 of Part IV Chapter 8 of the Guidelines, where the party concerned submits evidence in a foreign language, he shall also submit the Chinese translation thereof. If he fails to submit the Chinese translation within the limit for producing evidences, the foreign language evidence shall be deemed not to have been submitted. The party concerned shall submit the Chinese translation in written form. If he fails to submit the Chinese translation in written form, the said Chinese translation shall be deemed not to have been submitted. The party concerned may submit the Chinese translation only for part of foreign language evidence. Other parts of the foreign language evidence without

Chinese translation being submitted shall not be taken as evidence, unless the Chinese translation for the other parts are subsequently submitted at the request of the Patent Reexamination Board. If the opposite party has objection to the contents of the Chinese translation, he shall submit the Chinese translation for the disputed parts within a specified time limit. Failure to submit the Chinese translation shall be deemed as having no objection to the translation. Where there is a dispute in the Chinese translation, if the both parties have reached an agreement as to the translation, the agreed translation shall be used; if the both parties cannot reach an agreement as to the translation, the Patent Reexamination Board may entrust a translator to translate when necessary. Where the both parties have reached an agreement on the translator, the Patent Reexamination Board may entrust the translator as agreed on by the both parties to translate, for the full text, the part to be used, or the part in dispute. Where the both parties cannot reach an agreement on the translator, the Patent Reexamination Board may entrust ex officio a professional translation agency to translate. The both parties shall respectively bear 50% of the translation fee for the entrusted translation. The party refusing to pay the translation fee shall be deemed to acknowledge that the Chinese translation submitted by the other party is correct.

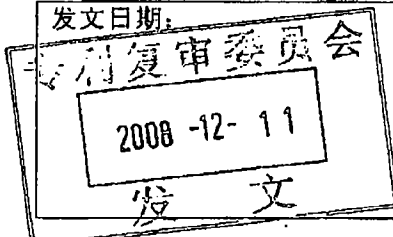
Annex:

"Request for Invalidation" and a copy of the attachments as listed therein.

The supplementary opinion and a copy of the attachments as listed therein submitted  
by the petitioner on \_\_\_\_\_

The Patent Reexamination Board

# 中华人民共和国国家知识产权局专利复审委员会

100037 北京市阜成门外大街2号万通新世界广场8层 中国国际贸易促进委员会专利商标事务所 范莉	发文日期: 
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专利号: 200730148767.X	案件编号: W608508
发明创造名称: 数据处理装置	
专利权人: 苹果公司	
无效宣告请求人: 上海罗恩网络信息有限公司	

## 无效宣告请求受理通知书

专利权人:

2008年11月21日无效宣告请求人对上栏所述专利权提出的无效宣告请求, 经形式审查符合专利法及其实施细则和审查指南的有关规定, 准予受理。请在收到本通知之日起壹个月内对该无效宣告请求陈述意见; 期满未答复的, 不影响专利复审委员会审理。意见陈述书请提交一式两份, 并注明案件编号和专利号。

根据《中华人民共和国专利法实施细则》第六十八条的规定, 在无效宣告请求的审查过程中, 发明或者实用新型专利的专利权人可以修改其权利要求书, 但是不得扩大原专利的保护范围。发明或者实用新型专利的专利权人不得修改专利说明书和附图, 外观设计专利的专利权人不得修改图片、照片和简要说明。

根据《中华人民共和国专利法实施细则》第七十条的规定, 在无效宣告请求审查程序中, 专利复审委员会指定的期限不得延长。

根据《审查指南》第四部分第八章2.2.1节关于外文证据提交的规定, 当事人提交外文证据的, 应当提交中文译文, 未在举证期限内提交中文译文的, 该外文证据视为未提交。当事人应当以书面方式提交中文译文, 未以书面方式提交中文译文的, 该中文译文视为未提交。当事人可以仅提交外文证据的部分中文译文。该外文证据中没有提交中文译文的部分, 不作为证据使用。但当事人应专利复审委员会的要求补充提交该外文证据其他部分的中文译文的除外。对方当事人对中文译文内容有异议的, 应当在指定的期限内对有异议的部分提交中文译文。没有提交中文译文的, 视为无异议。对中文译文出现异议时, 双方当事

回函请直寄: 100088 北京海淀区蓟门桥西土城路6号 国家知识产权局专利复审委员会  
20603 2006.7

人就异议部分达成一致意见的，以双方最终认可的中文译文为准。双方当事人未能就异议部分达成一致意见的，必要时，专利复审委员会可以委托翻译。双方当事人就委托翻译达成协议的，专利复审委员会可以委托双方当事人认可的翻译单位进行全文、所使用部分或者有异议部分的翻译。双方当事人就委托翻译不成协议的，专利复审委员会可以自行委托专业翻译单位进行翻译。委托翻译所需翻译费用由双方当事人各承担 50%；拒绝支付翻译费用的，视为其承认对方当事人提交的中文译文正确。

随本通知书将下列文件转送专利权人：

《专利权无效宣告请求书》及其附件清单中所列附件副本。

无效宣告请求人于\_\_\_\_年\_\_月\_\_日提交的补充意见及其附件清单中所列附件副本。

审查员：万琦




回函请直寄：100088 北京海淀区蓟门桥西土城路 6 号 国家知识产权局专利复审委员会  
20603 2006.7





## 专利权无效宣告请求书

⑥ 附件清单	
文件名称	份数及页数
<input checked="" type="checkbox"/> 附件 1: 2008 沪闵证字第 3236 号公证书复印件	2 份, 每份 6 页
<input checked="" type="checkbox"/> 附件 2: 2004 年第 12 新潮电子封面、出版信息页、第 60 页	2 份, 每份 3 页
<input checked="" type="checkbox"/> 附件 3: 2005 年 6 月 1 日总第 119 期新潮电子封面、出版信息页、第 45 页	2 份, 每份 3 页
<input checked="" type="checkbox"/> 附件 4: 2006 年 4 月总第 172 期通信技术封面、出版信息页、第 26 页	2 份, 每份 3 页
<input checked="" type="checkbox"/> 附件 5: 专利号为 200730148751.9、名称为“声音或图像的记录或复制设备”的中国外观设计专利图片或照片复印件	2 份, 每份 3 页
<input checked="" type="checkbox"/> 附件 6: 专利号为 200730148719.0、名称为“移动式通讯装置”的中国外观设计专利图片或照片复印件	2 份, 每份 3 页
<input type="checkbox"/> 附件 7	份, 每份 页
<input type="checkbox"/> 附件 8	份, 每份 页
<input type="checkbox"/> 附件 9	份, 每份 页
<input type="checkbox"/> 附件 10	份, 每份 页
⑦无效宣告请求人或专利代理机构签章 	⑧专利复审委员会处理意见     年 月 日

**注意事项:**

1. 根据专利法实施细则第六十六条的规定, 无效宣告请求人可以在提出无效宣告请求之日起 1 个月内增加理由或者补充证据。逾期增加理由或者补充证据的, 专利复审委员会可以不予考虑。
2. 根据《审查指南》第四部分第一章 14 节关于外文证据翻译的规定, 当事人提交外文证据的, 应当在提交该外文证据的同时提交所使用部分的中文译文。当事人未在提交外文证据的同时提交中文译文的, 应当主动补正。在专利复审委员会书面通知指定期限内仍未补交的, 该外文证据视为未提交。对方当事人对译文具体内容有异议的, 应当对有异议的部分提交中文译文。必要时, 可以委托双方当事人认可的单位进行全文、所使用部分或者有异议部分的翻译。双方当事人对委托翻译达不成协议的, 专利复审委员会可以委托专业翻译单位进行全文、所使用部分或者有异议部分的翻译。委托翻译所需费用由双方当事人各承担 50%; 拒绝支付翻译费用的, 视为其承认对方提交的译文正确。
3. 根据专利法实施细则第九十七条的规定, 无效宣告请求人应当自提出请求之日起壹个月内, 缴纳无效宣告请求费。期满未缴纳或者未缴足的, 视为未提出无效宣告请求。

国家知识产权局专利复审委员会:

请求人上海罗恩网络信息有限公司基于现有技术,认为专利号为200730148767.x、名称为“数据处理装置”的外观设计专利不符合专利法的有关规定,现依据《中华人民共和国专利法》第二十三条、第四十五条以及《专利法实施细则》第六十四条之规定,向贵委员会提请宣告该专利权无效。

《中华人民共和国专利法》第二十三条规定:“授予专利权的外观设计,应当同申请日以前在国内外出版物上公开发表过或者国内公开使用过的外观设计不相同和不相近似,并不得与他人在先取得的合法权利相冲突。”

《中华人民共和国专利法实施细则》第十三条第一款规定:“同样的发明创造只能被授予一项专利。”

下列证据证明在本案专利申请日之前已经有相近似的外观设计在国外公开出版物上公开发表过,以及证明该本案专利不符合专利法实施细则第十三条第一款的规定。

具体证据如下:

证据 1、(2008)沪闵证字第 3236 号公证书复印件;

证据 2、2004 年第 12 期新潮电子封面、出版信息页、第 60 页;

证据 3、2005 年 6 月 1 日总第 119 期新潮电子封面、出版信息页、第 45 页;

证据 4、2006 年 4 月总第 172 期通信技术封面、出版信息页、第 26 页;

证据 5、专利号为 200730148751.9、名称为“声音或图像的记录或复制设备”的中国外观设计专利图片或照片复印件;

证据 6、专利号为 200730148719.0、名称为“移动式通讯装置”的中国外观设计专利图片或照片复印件。

#### 一、本案专利明显不符合专利法第二十三条的规定。

证据 1 中是 2006 年 6 月 29 日网页公开的 LG 公司生产的一款 DMB MP3 播放器 FM35。其公开日期早于本案专利的申请日期,也早于本案专利的优先权日期。证据 1 中公开的该款 FM35 播放器产品可以用来播放 MP3、WMA、OGG 等传统音频格式文件,支持 AVI 和 ASF 格式文件,此外增加了 DMB 技术的支持,可以通过这款播放器来收看 DMB 节目和广播等内容,通过连接电脑下载图片和文本等文件。首先,证据 1 公开的产品是播放器,具有下载和处理图片或文本数据的功能,因此,证据 1 公开的产品和本案专利产品的部分用途相同,属于相近类别的产品;其次,将证据 1 公开的产品与本案专利的六视图比较,二者的主视图均为一个竖置的四角为圆弧过渡的长方形,沿其四边分别设有边框,边框内设有一个竖置的长方形,该长方形下方设有圆形按键;后视图也为一个竖置的长方形;左视图和右视图均为则分别是竖置的上下两侧弧形过渡的长方形。作为使用时容易看到的部位,主视图对整体视觉效果的影响较大,虽然本案专利主视图中长方形上方为长条形框,证据 1 中主视图中为音乐符号,但是其本身尺寸较小,属于局部的细微变化,二者的区别对整体视觉效果不足以产生显著影响。可

见, 本案专利与其申请日以前公开的证据 1 中的产品外观设计相近似。

证据 2 是 2004 年 12 月 1 日出版的第 12 期新潮电子杂志, 该杂志出版日期早于本案专利申请时间, 也早于本案申请的优先权日期。证据 2 中公开了一种多普达 818 智能手机图片。首先, 证据 2 中公开的产品为智能手机, 通常具有数据处理的功能, 因此, 证据 2 中公开的产品与本案专利的产品的部分用途相同, 属于相近类别的产品; 其次, 证据 2 中公开的多普达 818 智能手机的主视图同样是一个竖置的四角为圆弧过渡的长方形, 沿其四边分别设有边框, 边框内设有一个竖置的长方形, 该长方形上方设有条形框, 下方设有按键。作为使用时容易看到的部位, 主视图对整体视觉效果的影响较大, 虽然本案专利与证据 2 中产品的条形框以及按键形状不同, 但是其本身尺寸较小, 属于局部的细微变化, 二者的区别对整体视觉效果不足以产生显著影响。可见, 本案专利与其申请日以前公开的证据 2 中的产品外观设计相近似。

证据 3 是 2005 年 6 月 1 日出版的总第 119 期的新潮电子杂志, 该杂志的出版日期早于本案专利申请时间, 也早于本案申请的优先权日期。证据 3 中公开了一种多普达 828+智能手机图片。首先, 证据 3 中公开的产品为智能手机, 通常具有数据处理的功能, 因此, 证据 3 中公开的产品与本案专利的产品的部分用途相同, 属于相近类别的产品; 其次, 证据 3 中公开的产品主视图同样是一个竖置的四角为圆弧过渡的长方形, 沿其四边分别设有边框, 边框内设有一个竖置的长方

形, 该长方形上方设有条形框, 下方设有按键。作为使用时容易看到的部位, 主视图对整体视觉效果的影响较大, 虽然本案专利与证据 3 中产品的按键形状不同, 但是作为相近类别产品的惯常设计, 其本身尺寸较小, 属于局部的细微变化, 二者的区别对整体视觉效果不足以产生显著影响。可见, 本案专利与其申请日以前公开的证据 3 中的产品外观设计相近似。

证据 4 是 2006 年 4 月出版的总第 172 期通信技术杂志, 该杂志出版日期早于本案专利申请时间, 也早于本案申请的优先权日期。证据 4 中同样公开了一种多普达 828+智能手机图片。首先, 证据 4 中公开的产品为智能手机, 通常具有数据处理的功能, 因此, 证据 4 中公开的产品与本案专利的产品的部分用途相同, 属于相近类别的产品; 其次, 证据 4 中公开的多普达 828+智能手机的主视图同样是一个竖置的四角为圆弧过渡的长方形, 沿其四边分别设有边框, 边框内设有一个竖置的长方形, 该长方形上方设有条形框, 下方设有按键。作为使用时容易看到的部位, 主视图对整体视觉效果的影响较大, 虽然本案专利与证据 4 中产品的条形框以及按键形状不同, 但是作为手机产品的惯常设计, 其本身尺寸较小, 属于局部的细微变化, 二者的区别对整体视觉效果不足以产生显著影响。可见, 本案专利与其申请日以前公开的证据 4 中的产品外观设计相近似。

上述证据充分证明在本案专利的申请日之前, 在数据处理产品设计中, 产品是一个竖置的四角为圆弧过渡的长方形, 沿其四边分别设有边框, 边框内设有一个竖置的长方形, 该长方形上方设有条形框,

下方设有按键的设计，均为行业中的惯常设计，并且已经有相近似的外观设计在国内出版物上公开发表过，因此本案专利明显不符合专利法第二十三条的规定。

## 二、本案专利不符合专利法实施细则第十三条第一款的规定。

按照审查指南的相关规定，同样的外观设计是指两项外观设计相同或者相近似，外观设计相同是指被比设计与在先设计是同一类别的产品的外观设计，并且被比设计的全部外观设计要素与在先设计的相应要素相同，其中外观设计的要素是指形状、图案以及色彩。同一类别的产品是指用途完全相同的产品。所谓相近类别的产品是指用途接近的产品。只有对于相同或者相近类别的产品，才可能存在外观设计相近似的情况。应当注意的是，当产品具有多种用途时，如果其中部分用途相同，而其他用途不同，则二者应属于相近类别的产品。

证据 5 是专利号为 200730148751.9、名称为“声音或图像的记录或复制设备”的中国外观设计专利，其申请日期为 2007 年 6 月 29 日，与本案专利相同。首先，证据 5 的产品是声音或图像的记录或复制设备，通常也具有下载处理声音和图片数据的功能，因此，证据 5 公开的产品和本案专利产品的部分用途相同，属于相近类别的产品；其次，证据 5 中公开的主视图与本案专利完全一样，虽然二者后视图或左右视图中存在细微差异，但是主视图作为使用时容易看到的部位，其对整体视觉效果的影响较大，因此本案专利和证据 5 的外观设计整体视觉效果上不存在显著区别，两者属于相近似的外观设计。

证据 6 是专利号为 200730148719.0、名称为“移动式通讯装置”的中国外观设计专利，其申请日期为 2007 年 6 月 29 日，与本案专利相同。首先，证据 6 的产品是移动式通讯装置，通常也具有数据下载和处理的的功能，因此，证据 6 的产品和本案专利产品的部分用途相同，属于相近类别的产品；其次，证据 6 中公开的主视图与本案专利完全一样，虽然二者后视图或左右视图中存在细微差异，但是主视图作为使用时容易看到的部位，其对整体视觉效果的影响较大，因此本案专利和证据 6 的外观设计整体视觉效果上不存在显著区别，两者属于相近似的外观设计。

上述证据充分证明本案专利与证据 5 和证据 6 分别是同样的外观设计，不符合专利法实施细则第十三条第一款的规定。

综上所述，上述证据证明在本案专利申请日前已经有相近似的外观设计在国内公开出版物上公开过，因此本案专利明显不符合专利法第二十三条的规定，同时本案专利也不符合专利法实施细则第十三条第一款的规定，特请求贵委员会完全无效该专利权。

请求人：上海罗恩网络信息有限公司

代理人：广州华进联合专利商标代理有限公司



日期：2008 年 11 月 12 日



## **Request for Declaring Invalidation**

Patent Reexamination Board:

The petitioner “Shanghai Leon Networks Information Co. Ltd”, on the basis of the prior art, considers that the Chinese design patent No. 200730148767.X, of which the title is “DATA PROCESSING DEVICE”, does not comply with corresponding provisions of the Chinese Patent Law. According to Art.23 and Art.45 of the Chinese Patent Law and Rule.64 of the Implementing Regulations of the Chinese Patent Law, the petitioner filed the request for declaring invalidation against the above mentioned design patent.

Under Art.23 of the Chinese Patent Law, “any design for which patent right may be granted must not be identical with and similar to any design which, before the date of filing, has been publicly disclosed in publications in the country or abroad or has been publicly used in the country, and must not be in conflict with any prior right of any other person”.

Under Rule.13 (1) of the Implementing Regulations of the Chinese Patent Law, “for any identical invention-creation, only one patent right shall be granted”.

The following evidences are provided to prove that there are similar designs which have been publicly disclosed in publications before the date of filing of the present patent, so that the above mentioned patent for design does not comply with Rule.13 (1) of the Implementing Regulations of the Chinese Patent Law.

The evidences are as follows:

Evidence 1: A copy of the notarial deed with a serial number of (2008) 3236 issued by Shanghai Minhang notarial office.

Evidence 2: The cover, publication information page and page 60 of the magazine “eFashion Magazine”, the 12<sup>th</sup> issue of 2004.

Evidence 3: The cover, publication information page and page 45 of the magazine “eFashion Magazine”, the 119<sup>th</sup> issue in total with a publish date of June 1, 2005.

Evidence 4: The cover, publication information page and page 26 of the magazine “Communication Technology” published on April. 2006 and the 172<sup>th</sup> issue in total.

Evidence 5: The copy of the drawings or photos of the Chinese patent for

design No. 200730148751.9 with a title "EQUIPMENT FOR RECORDING OR REPRODUCTION OF SOUNDS OR PICTURES".

Evidence 6: The copy of the drawings or photos of the Chinese patent for design No. 200730148719.0 with a title "MOBILE COMMUNICATION DEVICE".

1. The present patent obviously does not comply with the provisions of Art.23 of the Chinese Patent Law.

Evidence 1 shows a DMB MP3 player FM35 produced by LG Company and disclosed at web pages on June. 29, 2006 that is prior to the filling date and the priority date of the present patent. Said MP3 player is not only adapted for playing the conventional audio information, such as MP3, WMA, OGG etc and supporting AVI and ASF files, but also is available for receiving DMB programs and broadcast etc. for watching and for downloading pictures and texts by connecting to a computer. Firstly, the product of Evidence 1 pertains to a player, which usually has the functions of playing music and downloading pictures and texts. Thus the product disclosed by evidence 1 partly shares the same function with the product of the present patent and they belong to the similar class of the International Classification for Industrial Designs. Secondly, by comparing the player disclosed by evidence 1 with the six views of the present patent, it can be seen that the front views of the both two products are upright rectangles with four arc shaped corners. A frame is disposed on the four sides with an upright rectangle formed within the frame and a round button provided under the rectangle. The rear view shows an upright rectangle and the left and right side views also show an upright rectangle with arc shaped upside and downside portions. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect. A strip-shaped frame is located above the inner rectangle in the front view of the present patent, and a music sign is located above the rectangle in the front view of evidence 1, but the difference between the strip-shaped frame and the music sign is not sufficient enough to make prominent influence to the whole visual effect due to its small size which can be considered as slight local changes. Thus, the designs of the present patent and the product of the evidence 1 disclosed before the filling date of the present patent are similar to each other.

Evidence 2 is the magazine "eFashion Magazine", the 12<sup>th</sup> issue of 2004, published on Dec. 1, 2004 that is prior to the filling date and the priority date of the present patent. Evidence 2 discloses a picture of a Dopod 818 intelligent mobile telephone. Firstly, evidence 2 discloses an intelligent mobile telephone usually has the function of data processing and thus belongs to the similar class with the product of the present patent. Secondly, it can be seen that the front view of the Dopod 818 intelligent mobile telephone disclosed in evidence 2 is an upright rectangle with arc shaped four corners. A frame is disposed on the

four sides with an upright inner rectangle formed within the frame. A strip-shaped frame is provided above the inner rectangle and a button is provided under the inner rectangle. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect. The present patent and the product disclosed in evidence 2 are different in the location of the strip-shaped frame and the shape of the button, but the difference between them is not sufficient enough to make prominent influence to the whole visual effect due to its small size which can be considered as slight local changes. Thus, the designs of the present patent and the product of the evidence 2 disclosed before the filling date of the present patent are similar to each other.

Evidence 3 is the magazine "eFashion Magazine", the 119<sup>th</sup> issue in total, published on Jun. 1, 2005 that is prior to the filling date and the priority date of the present patent. Evidence 3 discloses a picture of a Dopod 828+ intelligent mobile telephone. Firstly, evidence 3 discloses an intelligent mobile telephone which has the function of data processing and thus belongs to the similar class with the product of the present patent. Secondly, it can be seen that the front view of the Dopod 828+ intelligent mobile telephone disclosed in evidence 3 is an upright rectangle with arc shaped four corners. A frame is disposed on the four sides with an inner upright rectangle formed within the frame. A strip-shaped frame is provided above the inner rectangle and a button is provided under the inner rectangle. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect. The present patent and the product disclosed in evidence 3 are different in the shape of the button, but the difference between them, which can be considered as slight local changes and the conventional design for a mobile telephone, is not sufficient enough to make prominent influence to the whole visual effect. Thus, the designs of the present patent and the product disclosed by evidence 3 disclosed before the filling date of the present patent are similar to each other.

Evidence 4 is the magazine "Communication Technology", the 172<sup>th</sup> issue in total, published on April. 2006 that is prior to the filling date and the priority date of the present patent. Evidence 4 discloses a picture of a Dopod 828+ intelligent mobile telephone. Firstly, evidence 4 discloses an intelligent mobile telephone which has the function of data processing and thus belongs to the similar class with the product of the present patent. Secondly, it can be seen that the front view of the Dopod 828+ intelligent mobile telephone disclosed in evidence 4 is an upright rectangle with arc shaped four corners. A frame is disposed on the four sides with an upright inner rectangle formed within the frame. A strip-shaped frame is provided above the inner rectangle and a button is provided under the inner rectangle. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect. The present patent and the product disclosed in evidence 4 are different in the location of the strip-shaped frame and the shape of the button, but the

difference between them, which can be considered as slight local changes, is not sufficient enough to make prominent influence to the whole visual effect. Thus, the designs of the present patent and the product disclosed by evidence 4 disclosed before the filling date of the present patent are similar to each other.

According to the above-mentioned evidences 1-4, it involves the conventional design in the field to design a data processing device as an upright rectangle with arc shaped four corners wherein a frame is disposed on the four sides with an upright inner rectangle formed within the frame with a strip-shaped frame, where the mouthpiece and the handset locates, provided above the inner rectangle and button/buttons provided under the inner rectangle. In addition, similar designs have been publicly disclosed in publications in china. Therefore, the present patent obviously does not comply with Art.23 of the Chinese Patent Law.

2. The present patent does not comply with the provisions of Rule.13 (1) of the Implementing Regulations of the Chinese Patent Law.

According to corresponding regulations of the Guidelines for Examination, two identical or similar designs can be considered as the same design, identity of designs means that the design being examined and the prior design are designs for the same class of products, and all the design features of the design being examined and the corresponding design features of the prior design are identical, wherein design features mean the three features of shape, pattern and color of a design. The products of the same class refer to the products that have completely the same use. Products of approximate classes refer to products that have the similar use. Similarity of designs exists only among products that belong to the same class or approximate classes. It should be noted that for products having multiple uses, if some of the uses are the same and some are not, they are regarded as products of approximate classes.

Evidence 5 shows a Chinese patent for design No. 200730148751.9 with a title "EQUIPMENT FOR RECORDING OR REPRODUCTION OF SOUNDS OR PICTURES", which has the same filling date of Jun. 29, 2007 as the present patent. Firstly, the present patent pertains to a mobile communication device which usually has the functions of playing music and downloading pictures and texts. Some of the uses of the product disclosed by evidence 5 and the present patent are identical, and thus the two products are regarded as products of approximate classes. Secondly, the front view disclosed in evidence 5 and that of the present patent are completely identical. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect despite the slight differences between the rear views or left side views and right side views of the two products. Therefore, the products of evidence 5 and the present patent do not have prominent differences in the whole visual effect and

possess the similarity.

Evidence 6 shows a Chinese patent for design No. 200730148719.0 with a title "MOBILE COMMUNICATION DEVICE", which has the same filling date of Jun. 29, 2007 as the present patent. Firstly, the product of Evidence 6 pertains to a mobile communication device which usually has the function of data download and data processing. Some of the uses of the product disclosed by evidence 6 and the present patent are identical, and thus the two products are regarded as products of approximate classes. Secondly, the front view disclosed in evidence 6 and that of the present patent are completely identical. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect despite the slight differences between the rear views or left side views and right side views of the two products. Therefore, the products of evidence 6 and the present patent do not have prominent differences in the whole visual effect and possess the similarity.

According to the above-mentioned evidences 5-6, the present patent and evidences 5-6 are identical designs, thereby failing to comply with Rule.13 (1) of the Implementing Regulations of the Chinese Patent Law.

To sum up, the above-mentioned evidences prove that there are similar designs which have been publicly disclosed in publications in China before the date of filing of the present patent, so that the present patent obviously does not comply with Art.23 of the Chinese Patent Law and Rule.13 (1) of the Implementing Regulations of the Chinese Patent Law. The petitioner therefore requests the Board to declare the above mentioned patent for design completely invalid.

Petitioner: Shanghai Leon Networks Information Co. Ltd

Patent Attorney: Advance China I.P. Law Office

Zeng Minhui Zhao Lei

Nov. 12, 2008

Patent Reexamination Board of the State Intellectual Property Office of the PRC

Vantone New World Plaza, 8<sup>th</sup> Flr.  
2, Fuchengmenwai Street, Beijing 100037, China

Issued on: Dec.  
12, 2008

Patent No.: 200730148751.9	PRB's Docket No.: W608510
Title of the Invention:	EQUIPMENT FOR RECORDING OR REPRODUCTION OF SOUNDS OR PICTURES
Petitionee (patentee):	APPLE INC.
Petitioner:	SHANGHAI LEON NETWORKS INFORMATION CO., LTD

## Notification for Acceptance of Request for Invalidation

To the Patentee:

The petitioner filed a request for invalidation of the captioned patent on Nov. 21, 2008. After a formal examination, the request is found to be in conformity with the provisions of the Chinese Patent Law and the Implementing Regulations of the Chinese Patent Law, and thus is accepted. The patentee is requested to make observations on the request for invalidation within **one month** of receipt of this notification. Failing to respond within said time limit will not affect the Patent Reexamination Board's examination thereof. The observations shall be submitted in two copies, with the PRB's docket number and the patent number indicated.

Pursuant to Rule 68 of the Implementing Regulations of the Chinese Patent Law,

during the examination of the request for invalidation, the patentee of a patent for invention or utility model may amend the claims, but cannot enlarge the protection scope of the original patent. The patentee of the patent for invention or utility model cannot amend the description and the drawings. The patentee of a patent for industrial design cannot amend the drawings, photographs and the brief explanation of the design.

Pursuant to Rule 70 of the Implementing Regulations of the Chinese Patent Law, during the examination of the request for invalidation, the deadlines specified by the Patent Reexamination Board shall not be extended.

Pursuant to provisions of Rule 71 of the Implementation of the Chinese Patent Law, before the Patent Reexamination Board makes a decision on the request for invalidation, the petitioner for invalidation may withdraw such a request. Where the petitioner for invalidation withdraws his request before the Patent Reexamination Board makes the decision, the procedures for examining the request for invalidation shall be terminated.

According to provisions relate to presenting evidence in a foreign language of the Section 2.2.1 of Part IV Chapter 8 of the Guidelines, where the party concerned submits evidence in a foreign language, he shall also submit the Chinese translation thereof. If he fails to submit the Chinese translation within the limit for producing evidences, the foreign language evidence shall be deemed not to have been submitted. The party concerned shall submit the Chinese translation in written form. If he fails to submit the Chinese translation in written form, the said Chinese translation shall be deemed not to have been submitted. The party concerned may submit the Chinese translation only for part of foreign language evidence. Other parts of the foreign language evidence without

Chinese translation being submitted shall not be taken as evidence, unless the Chinese translation for the other parts are subsequently submitted at the request of the Patent Reexamination Board. If the opposite party has objection to the contents of the Chinese translation, he shall submit the Chinese translation for the disputed parts within a specified time limit. Failure to submit the Chinese translation shall be deemed as having no objection to the translation. Where there is a dispute in the Chinese translation, if the both parties have reached an agreement as to the translation, the agreed translation shall be used; if the both parties cannot reach an agreement as to the translation, the Patent Reexamination Board may entrust a translator to translate when necessary. Where the both parties have reached an agreement on the translator, the Patent Reexamination Board may entrust the translator as agreed on by the both parties to translate, for the full text, the part to be used, or the part in dispute. Where the both parties cannot reach an agreement on the translator, the Patent Reexamination Board may entrust ex officio a professional translation agency to translate. The both parties shall respectively bear 50% of the translation fee for the entrusted translation. The party refusing to pay the translation fee shall be deemed to acknowledge that the Chinese translation submitted by the other party is correct.

Annex:

"Request for Invalidation" and a copy of the attachments as listed therein.



The supplementary opinion and a copy of the attachments as listed therein submitted by the petitioner on \_\_\_\_\_

The Patent Reexamination Board

# 中华人民共和国国家知识产权局专利复审委员会

100037
北京市阜成门外大街2号万通新世界广场8层
中国国际贸易促进委员会专利商标事务所
范莉

发文日期: 专利复审委员会
2008-12-12
发 文

专利号: 200730148751.9	案件编号: W608510
发明创造名称: 声音或图像的记录或复制设备	
专利权人: 苹果公司	
无效宣告请求人: 上海罗恩网络信息技术有限公司	

## 无效宣告请求受理通知书

专利权人:

2008年11月21日无效宣告请求人对上栏所述专利权提出的无效宣告请求,经形式审查符合专利法及其实施细则和审查指南的有关规定,准予受理。请在收到本通知之日起壹个月内对该无效宣告请求陈述意见;期满未答复的,不影响专利复审委员会审理。意见陈述书请提交一式两份,并注明案件编号和专利号。

根据《中华人民共和国专利法实施细则》第六十八条的规定,在无效宣告请求的审查过程中,发明或者实用新型专利的专利权人可以修改其权利要求书,但是不得扩大原专利的保护范围。发明或者实用新型专利的专利权人不得修改专利说明书和附图,外观设计专利的专利权人不得修改图片、照片和简要说明。

根据《中华人民共和国专利法实施细则》第七十条的规定,在无效宣告请求审查程序中,专利复审委员会指定的期限不得延长。

根据《审查指南》第四部分第八章2.2.1节关于外文证据提交的规定,当事人提交外文证据的,应当提交中文译文,未在举证期限内提交中文译文的,该外文证据视为未提交。当事人应当以书面方式提交中文译文,未以书面方式提交中文译文的,该中文译文视为未提交。当事人可以仅提交外文证据的部分中文译文。该外文证据中没有提交中文译文的部分,不作为证据使用。但当事人应专利复审委员会的要求补充提交该外文证据其他部分的中文译文的除外。对方当事人对中文译文内容有异议的,应当在指定的期限内对有异议的部分提交中文译文。没有提交中文译文的,视为无异议。对中文译文出现异议时,双方当事

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20603 2006.7

人就异议部分达成一致意见的，以双方最终认可的中文译文为准。双方当事人未能就异议部分达成一致意见的，必要时，专利复审委员会可以委托翻译。双方当事人就委托翻译达成协议的，专利复审委员会可以委托双方当事人认可的翻译单位进行全文、所使用部分或者有异议部分的翻译。双方当事人就委托翻译不成协议的，专利复审委员会可以自行委托专业翻译单位进行翻译。委托翻译所需翻译费用由双方当事人各承担 50%；拒绝支付翻译费用的，视为其承认对方当事人提交的中文译文正确。

随本通知书将下列文件转送专利权人：

- 《专利权无效宣告请求书》及其附件清单中所列附件副本。
- 无效宣告请求人于      年      月      日提交的补充意见及其附件清单中所列附件副本。
- 



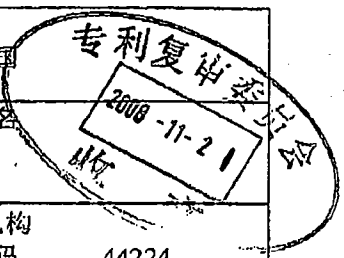
审查员：万琦

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20603 2006.7


## 专利权无效宣告请求书

请按照本表背面“填表注意事项”正确填写本表各栏

① 无 效 宣 告 人	姓名或名称 (代表)                      上海罗恩网络信息有限公司	国籍或所 在地国家                      中国
	邮政地址                      上海市漕溪路二五〇号B1七〇四室	联系人姓名 电话
② 专 机 代 理 构	名称                                      广州华进联合专利商标代理有限公司	专利代理机构 代 码                                      44224
	邮政编码    510095                      地址    广州市先烈中路69号东山广场9楼918—920室	
	曾旻辉                      专利代理人    4422405754.2 赵磊                                      工作证号    4422408759.7	电话    020-87323188-806
③		
根据《中华人民共和国专利法》第四十五条及《中华人民共和国专利法实施细则》第六十四条规定对下述专利权提出无效宣告请求：		
专利号 <u>200730148751.9</u> 授权公告日 <u>2008.06.04</u>		
专利权人(代表) <u>苹果公司</u>		
发明创造名称 <u>声音或图像的记录或复制设备</u>		
④ 无效宣告请求的理由、范围及所依据的证据		
理 由	范 围	依据的证据
专利法第 23 条第 款 实施细则第 条第 款	权利要求	证据 1
专利法第 23 条第 款 实施细则第 条第 款	权利要求	证据 2
专利法第 23 条第 款 实施细则第 条第 款	权利要求	证据 3
专利法第 23 条第 款 实施细则第 条第 款	权利要求	证据 4
专利法第 条第 款 实施细则第 13 条第 1 款	权利要求	证据 5
专利法第 条第 款 实施细则第 13 条第 1 款	权利要求	证据 6
⑤ 结合证据对无效宣告请求理由的具体意见陈述		
请参见附页 (共 6 页)		



## 专利权无效宣告请求书

⑥ 附件清单	
文件名称	份数及页数
<input checked="" type="checkbox"/> 附件 1: 2008 沪闵证字第 3236 号公证书复印件	2 份, 每份 6 页
<input checked="" type="checkbox"/> 附件 2: 2004 年第 12 新潮电子封面、出版信息页、第 60 页	2 份, 每份 3 页
<input checked="" type="checkbox"/> 附件 3: 2005 年 6 月 1 日总第 119 期新潮电子封面、出版信息页、第 45 页	2 份, 每份 3 页
<input checked="" type="checkbox"/> 附件 4: 2006 年 4 月总第 172 期通信技术封面、出版信息页、第 26 页	2 份, 每份 3 页
<input checked="" type="checkbox"/> 附件 5: 专利号为 200730148719.0、名称为“移动式通讯装置”的中国外观设计专利图片或照片复印件	2 份, 每份 3 页
<input checked="" type="checkbox"/> 附件 6: 专利号为 200730148767.x、名称为“数据处理装置”的中国外观设计专利图片或照片复印件	2 份, 每份 3 页
<input type="checkbox"/> 附件 7	份, 每份 页
<input type="checkbox"/> 附件 8	份, 每份 页
<input type="checkbox"/> 附件 9	份, 每份 页
<input type="checkbox"/> 附件 10	份, 每份 页
⑦无效宣告请求人或专利代理机构签章  	⑧专利复审委员会处理意见  年 月 日

## 注意事项:

- 根据专利法实施细则第六十六条的规定, 无效宣告请求人可以在提出无效宣告请求之日起 1 个月内增加理由或者补充证据。逾期增加理由或者补充证据的, 专利复审委员会可以不予考虑。
- 根据《审查指南》第四部分第一章 14 节关于外文证据翻译的规定, 当事人提交外文证据的, 应当在提交该外文证据的同时提交所使用部分的中文译文。当事人未在提交外文证据的同时提交中文译文的, 应当主动补正。在专利复审委员会书面通知指定期限内仍未补交的, 该外文证据视为未提交。对方当事人对译文具体内容有异议的, 应当对有异议的部分提交中文译文。必要时, 可以委托双方当事人认可的单位进行全文、所使用部分或者有异议部分的翻译。双方当事人对委托翻译达不成协议的, 专利复审委员会可以委托专业翻译单位进行全文、所使用部分或者有异议部分的翻译。委托翻译所需费用由双方当事人各承担 50%; 拒绝支付翻译费用的, 视为其承认对方提交的译文正确。
- 根据专利法实施细则第九十七条的规定, 无效宣告请求人应当自提出请求之日起壹个月内, 缴纳无效宣告请求费。期满未缴纳或者未缴足的, 视为未提出无效宣告请求。

国家知识产权局专利复审委员会:

请求人上海罗恩网络信息有限公司基于现有技术,认为专利号为200730148751.9、名称为“声音或图像的记录或复制设备”的外观设计专利不符合专利法的有关规定,现依据《中华人民共和国专利法》第二十三条、第四十五条以及《专利法实施细则》第六十四条之规定,向贵委员会提请宣告该专利权无效。

《中华人民共和国专利法》第二十三条规定:“授予专利权的外观设计,应当同申请日以前在国内外出版物上公开发表过或者国内公开使用过的外观设计不相同和不相近似,并不得与他在先取得的合法权利相冲突。”

《中华人民共和国专利法实施细则》第十三条第一款规定:“同样的发明创造只能被授予一项专利。”

下列证据证明在本案专利申请日之前已经有相近似的外观设计在国外公开出版物上公开发表过,以及证明该本案专利不符合专利法实施细则第十三条第一款的规定。

具体证据如下:

证据1、(2008)沪闵证字第3236号公证书复印件;

证据2、2004年第12期新潮电子封面、出版信息页、第60页;

证据3、2005年6月1日总第119期新潮电子封面、出版信息页、第45页;

证据4、2006年4月总第172期通信技术封面、出版信息页、第26页;

证据 5、专利号为 200730148719.0、名称为“移动式通讯装置”的中国外观设计专利图片或照片复印件；

证据 6、专利号为 200730148767.x、名称为“数据处理装置”的中国外观设计专利图片或照片复印件。

一、本案专利明显不符合专利法第二十三条的规定。

证据 1 中是 2006 年 6 月 29 日网页公开的 LG 公司生产的一款 DMB MP3 播放器 FM35 产品。其公开日期早于本案专利的申请日期，也早于本案专利的优先权日期。证据 1 中公开的该款 FM35 播放器产品可以用来播放 MP3、WMA、OGG 等传统音频格式文件，支持 AVI 和 ASF 格式文件，此外增加了 DMB 技术的支持，可以通过这款播放器来收看 DMB 节目和广播等内容，通过连接电脑下载图片和文本等文件。首先，证据 1 公开的产品是播放器，具有记录和复制声音或图像的功能，因此，证据 1 公开的产品和本案专利产品的用途相同，属于相同类别的产品；其次，将证据 1 公开的产品与本案专利的六视图比较，二者的主视图均为一个竖置的四角为圆弧过渡的长方形，沿其四边分别设有边框，边框内设有一个竖置的长方形，该长方形下方设有圆形按键；后视图也为一个竖置的长方形；左视图和右视图均为则分别是竖置的上下两侧弧形过渡的长方形。作为使用时容易看到的部位，主视图对整体视觉效果的影响较大，虽然本案专利主视图中长方形上方为长条形框，证据 1 中产品的主视图中为音乐符号，但是其本身尺寸较小，属于局部的细微变化，二者的区别对整体视觉效果不足以产生显著影

响。可见, 本案专利与其申请日以前公开的证据 1 中的产品外观设计相近似。

证据 2 是 2004 年 12 月 1 日出版的第 12 期新潮电子杂志, 该杂志出版日期早于本案专利申请时间, 也早于本案申请的优先权日期。证据 2 中公开了一种多普达 818 智能手机图片。首先, 证据 2 中公开的产品为智能手机, 通常也具有记录或复制声音和图像的功能, 因此, 证据 2 中公开的产品与本案专利的产品的部分用途相同, 属于相近类别的产品; 其次, 证据 2 中公开的多普达 818 智能手机的主视图同样是一个竖置的四角为圆弧过渡的长方形, 沿其四边分别设有边框, 边框内设有一个竖置的长方形, 该长方形上方设有条形框, 下方设有按键。作为使用时容易看到的部位, 主视图对整体视觉效果的影响较大, 虽然本案专利与证据 2 中产品的条形框以及按键形状不同, 但是其本身尺寸较小, 属于局部的细微变化, 二者的区别对整体视觉效果不足以产生显著影响。可见, 本案专利与其申请日以前公开的证据 2 中的产品外观设计相近似。

证据 3 是 2005 年 6 月 1 日出版的总第 119 期的新潮电子杂志, 该杂志的出版日期早于本案专利申请时间, 也早于本案申请的优先权日期。证据 3 中公开了一种多普达 828+ 智能手机图片。首先, 证据 3 中公开的产品为智能手机, 通常也具有记录或复制声音和图像的功能, 因此, 证据 3 中公开的产品与本案专利的产品的部分用途相同, 属于相近类别的产品; 其次, 证据 3 中公开的产品主视图同样是一个竖置的四角为圆弧过渡的长方形, 沿其四边分别设有边框, 边框内设



有一个竖置的长方形，该长方形上方设有条形框，下方设有按键。作为使用时容易看到的部位，主视图对整体视觉效果的影响较大，虽然本案专利与证据 3 中产品的按键形状不同，但是作为产品的惯常设计，其本身尺寸较小，属于局部的细微变化，二者的区别对整体视觉效果不足以产生显著影响。可见，本案专利与其申请日以前公开的证据 3 中的产品外观设计相近似。

证据 4 是 2006 年 4 月出版的总第 172 期通信技术杂志，该杂志出版日期早于本案专利申请时间，也早于本案申请的优先权日期。证据 4 中同样公开了一种多普达 828+智能手机图片。首先，证据 4 中公开的产品为智能手机，通常也具有记录或复制声音和图像的功能，因此，证据 4 中公开的产品与本案专利的产品的部分用途相同，属于相近类别的产品；其次，证据 4 中公开的多普达 828+智能手机的主视图同样是一个竖置的四角为圆弧过渡的长方形，沿其四边分别设有边框，边框内设有一个竖置的长方形，该长方形上方设有条形框，下方设有按键。作为使用时容易看到的部位，主视图对整体视觉效果的影响较大，虽然本案专利与证据 4 中产品的条形框以及按键形状不同，但是作为产品的惯常设计，其本身尺寸较小，属于局部的细微变化，二者的区别对整体视觉效果不足以产生显著影响。可见，本案专利与其申请日以前公开的证据 4 中的产品外观设计相近似。

上述证据充分证明在本案专利的申请日之前，在该类产品设计中，产品是一个竖置的四角为圆弧过渡的长方形，沿其四边分别设有边框，边框内设有一个竖置的长方形，该长方形上方设有条形框，下

方设有按键的设计,均为行业中的惯常设计,并且已经有相近似的外观设计在国内出版物上公开发表过,因此本案专利明显不符合专利法第二十三条的规定。

## 二、本案专利不符合专利法实施细则第十三条第一款的规定。

按照审查指南的相关规定,同样的外观设计是指两项外观设计相同或者相近似,外观设计相同是指被比设计与在先设计是同一类别的产品的外观设计,并且被比设计的全部外观设计要素与在先设计的相应要素相同,其中外观设计的要素是指形状、图案以及色彩。同一类别的产品是指用途完全相同的产品。所谓相近类别的产品是指用途接近的产品。只有对于相同或者相近类别的产品,才可能存在外观设计相近似的情况。应当注意的是,当产品具有多种用途时,如果其中部分用途相同,而其他用途不同,则二者应属于相近类别的产品。

证据 5 是专利号为 200730148719.0、名称为“移动式通讯装置”的中国外观设计专利,其申请日期为 2007 年 6 月 29 日,与本案专利相同。首先,证据 5 的产品是移动式通讯装置,通常也具有播放音乐和下载图片文本的功能,因此,证据 5 公开的产品和本案专利产品的部分用途相同,属于相近类别的产品;其次,证据 5 中公开的主视图与本案专利完全一样,虽然二者后视图或左右视图中存在细微差异,但是主视图作为使用时容易看到的部位,其对整体视觉效果的影响较大,因此本案专利和证据 5 的外观设计整体视觉效果上不存在显著区别,两者属于相近似的外观设计。

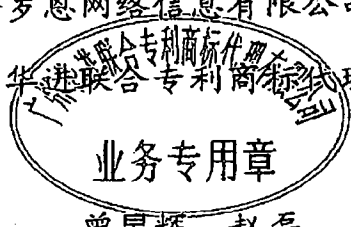
证据 6 是专利号为 200730148767.x、名称为“数据处理装置”的中国外观设计专利，其申请日期为 2007 年 6 月 29 日，与本案专利相同。首先，本案专利的产品是声音或图像的记录或复制设备，通常也具有声音或图像数据下载和处理的功能，因此，证据 6 的产品和本案专利产品的部分用途相同，属于相近类别的产品；其次，证据 6 中公开的主视图与本案专利完全一样，虽然二者后视图或左右视图中存在细微差异，但是主视图作为使用时容易看到的部位，其对整体视觉效果的影响较大，因此本案专利和证据 6 的外观设计整体视觉效果上不存在显著区别，两者属于相近似的外观设计。

上述证据充分证明本案专利与证据 5 和证据 6 分别是同样的外观设计，不符合专利法实施细则第十三条第一款的规定。

综上所述，上述证据证明在本案专利申请日前已经有相近似的外观设计在国内公开出版物上公开过，因此本案专利明显不符合专利法第二十三条的规定，同时本案专利也不符合专利法实施细则第十三条第一款的规定，特请求贵委员会完全无效该专利权。

请求人：上海罗恩网络信息有限公司

代理人：广州华进联合专利商标代理有限公司



曾旻辉 赵磊

日期：2008 年 11 月 12 日

## **Request for Declaring Invalidation**

Patent Reexamination Board:

The petitioner “Shanghai Leon Networks Information Co. Ltd”, on the basis of the prior art, considers that the Chinese design patent No. 200730148751.9, of which the title is “EQUIPMENT FOR RECORDING OR REPRODUCTION OF SOUNDS OR PICTURES”, does not comply with corresponding provisions of the Chinese Patent Law. According to Art.23 and Art.45 of the Chinese Patent Law and Rule.64 of the Implementing Regulations of the Chinese Patent Law, the petitioner filed the request for declaring invalidation against the above mentioned design patent.

Under Art.23 of the Chinese Patent Law, “any design for which patent right may be granted must not be identical with and similar to any design which, before the date of filing, has been publicly disclosed in publications in the country or abroad or has been publicly used in the country, and must not be in conflict with any prior right of any other person”.

Under Rule.13 (1) of the Implementing Regulations of the Chinese Patent Law, “for any identical invention-creation, only one patent right shall be granted”.

The following evidences are provided to prove that there are similar designs which have been publicly disclosed in publications before the date of filing of the present patent, so that the above mentioned patent for design does not comply with Rule.13 (1) of the Implementing Regulations of the Chinese Patent Law.

The evidences are as follows:

Evidence 1: A copy of the notarial deed with a serial number of (2008) 3236 issued by Shanghai Minhang notarial office.

Evidence 2: The cover, publication information page and page 60 of the magazine “eFashion Magazine”, the 12<sup>th</sup> issue of 2004.

Evidence 3: The cover, publication information page and page 45 of the magazine “eFashion Magazine”, the 119<sup>th</sup> issue in total with a publish date of June 1, 2005.

Evidence 4: The cover, publication information page and page 26 of the magazine “Communication Technology” published on April. 2006 and the 172<sup>th</sup> issue in total.

Evidence 5: The copy of the drawings or photos of the Chinese patent for design No. 200730148719.0 with a title "MOBILE COMMUNICATION DEVICE".

Evidence 6: The copy of the drawings or photos of the Chinese patent for design No. 200730148767.X with a title "DATA PROCESSING DEVICE".

1. The present patent obviously does not comply with the provisions of Art.23 of the Chinese Patent Law.

Evidence 1 shows a DMB MP3 player FM35 produced by LG Company and disclosed at web pages on June. 29, 2006 that is prior to the filling date and the priority date of the present patent. Said MP3 player is not only adapted for playing the conventional audio information, such as MP3, WMA, OGG etc and supporting AVI and ASF files, but also is available for receiving DMB programs and broadcast etc. for watching and for downloading pictures and texts by connecting to a computer. Firstly, the product of Evidence 1 pertains to a player, which usually has the functions of playing music and downloading pictures and texts. Thus the product disclosed by evidence 1 partly shares the same function with the product of the present patent and they belong to the similar class of the International Classification for Industrial Designs. Secondly, by comparing the player disclosed by evidence 1 with the six views of the present patent, it can be seen that the front views of the both two products are upright rectangles with four arc shaped corners. A frame is disposed on the four sides with an upright rectangle formed within the frame and a round button provided under the rectangle. The rear view shows an upright rectangle and the left and right side views also show an upright rectangle with arc shaped upside and downside portions. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect. A strip-shaped frame is located above the inner rectangle in the front view of the present patent, and a music sign is located above the rectangle in the front view of evidence 1, but the difference between the strip-shaped frame and the music sign is not sufficient enough to make prominent influence to the whole visual effect due to its small size which can be considered as slight local changes. Thus, the designs of the present patent and the product of the evidence 1 disclosed before the filling date of the present patent are similar to each other.

Evidence 2 is the magazine "eFashion Magazine", the 12<sup>th</sup> issue of 2004, published on Dec. 1, 2004 that is prior to the filling date and the priority date of the present patent. Evidence 2 discloses a picture of a Dopod 818 intelligent mobile telephone. Firstly, evidence 2 discloses an intelligent mobile telephone usually has the function of recording or reproducing sound or pictures and thus belongs to the similar class with the product of the present patent. Secondly, it can be seen that the front view of the Dopod 818 intelligent mobile telephone disclosed in evidence 2 is an upright rectangle with arc shaped four corners. A

frame is disposed on the four sides with an upright inner rectangle formed within the frame. A strip-shaped frame is provided above the inner rectangle and a button is provided under the inner rectangle. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect. The present patent and the product disclosed in evidence 2 are different in the location of the strip-shaped frame and the shape of the button, but the difference between them is not sufficient enough to make prominent influence to the whole visual effect due to its small size which can be considered as slight local changes. Thus, the designs of the present patent and the product of the evidence 2 disclosed before the filling date of the present patent are similar to each other.

Evidence 3 is the magazine "eFashion Magazine", the 119<sup>th</sup> issue in total, published on Jun. 1, 2005 that is prior to the filling date and the priority date of the present patent. Evidence 3 discloses a picture of a Dopod 828+ intelligent mobile telephone. Firstly, evidence 3 discloses an intelligent mobile telephone which has the function of recording or reproducing sound or pictures and thus belongs to the similar class with the product of the present patent. Secondly, it can be seen that the front view of the Dopod 828+ intelligent mobile telephone disclosed in evidence 3 is an upright rectangle with arc shaped four corners. A frame is disposed on the four sides with an inner upright rectangle formed within the frame. A strip-shaped frame is provided above the inner rectangle and a button is provided under the inner rectangle. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect. The present patent and the product disclosed in evidence 3 are different in the shape of the button, but the difference between them, which can be considered as slight local changes and the conventional design for a product, is not sufficient enough to make prominent influence to the whole visual effect. Thus, the designs of the present patent and the product disclosed by evidence 3 disclosed before the filling date of the present patent are similar to each other.

Evidence 4 is the magazine "Communication Technology", the 172<sup>th</sup> issue in total, published on April. 2006 that is prior to the filling date and the priority date of the present patent. Evidence 4 discloses a picture of a Dopod 828+ intelligent mobile telephone. Firstly, evidence 4 discloses an intelligent mobile telephone which has the function of recording and reproducing sound and pictures and thus belongs to the similar class with the product of the present patent. Secondly, it can be seen that the front view of the Dopod 828+ intelligent mobile telephone disclosed in evidence 4 is an upright rectangle with arc shaped four corners. A frame is disposed on the four sides with an upright inner rectangle formed within the frame. A strip-shaped frame is provided above the inner rectangle and a button is provided under the inner rectangle. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect. The present patent and the product disclosed in

evidence 4 are different in the location of the strip-shaped frame and the shape of the button, but the difference between them, which can be considered as slight local changes, is not sufficient enough to make prominent influence to the whole visual effect. Thus, the designs of the present patent and the product disclosed by evidence 4 disclosed before the filling date of the present patent are similar to each other.

According to the above-mentioned evidences 1-4, it involves the conventional design in the field to design an equipment for recording or reproducing sound and pictures as an upright rectangle with arc shaped four corners wherein a frame is disposed on the four sides with an upright inner rectangle formed within the frame with a strip-shaped frame provided above the inner rectangle and button/buttons provided under the inner rectangle. In addition, similar designs have been publicly disclosed in publications in china. Therefore, the present patent obviously does not comply with Art.23 of the Chinese Patent Law.

2. The present patent does not comply with the provisions of Rule.13 (1) of the Implementing Regulations of the Chinese Patent Law.

According to corresponding regulations of the Guidelines for Examination, two identical or similar designs can be considered as the same design, identity of designs means that the design being examined and the prior design are designs for the same class of products, and all the design features of the design being examined and the corresponding design features of the prior design are identical, wherein design features mean the three features of shape, pattern and color of a design. The products of the same class refer to the products that have completely the same use. Products of approximate classes refer to products that have the similar use. Similarity of designs exists only among products that belong to the same class or approximate classes. It should be noted that for products having multiple uses, if some of the uses are the same and some are not, they are regarded as products of approximate classes.

Evidence 5 shows a Chinese patent for design No. 200730148719.0 with a title "MOBILE COMMUNICATION DEVICE", which has the same filling date of Jun. 29, 2007 as the present patent. Firstly, the product of Evidence 5 pertains to a mobile communication device which usually has the function of data download and playing music. Some of the uses of the product disclosed by evidence 5 and the present patent are identical, and thus the two products are regarded as products of approximate classes. Secondly, the front view disclosed in evidence 5 and that of the present patent are completely identical. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect despite the slight differences between the rear views or left side views and right side views of the two products. Therefore, the products of

evidence 5 and the present patent do not have prominent differences in the whole visual effect and posses the similarity.

Evidence 6 shows a Chinese patent for design No. 200730148767.x with a title "DATA PROCESSING DEVICE", which has the same filling date of Jun. 29, 2007 as the present patent. Firstly, the present patent pertains to an equipment for recording or reproducing sound and pictures which usually has the functions of playing music and downloading pictures and texts. Some of the uses of the product disclosed by evidence 6 and the present patent are identical, and thus the two products are regarded as products of approximate classes. Secondly, the front view disclosed in evidence 6 and that of the present patent are completely identical. The front view, which shows the parts easily seen in use, makes a greater influence on the whole visual effect despite the slight differences between the rear views or left side views and right side views of the two products. Therefore, the products of evidence 6 and the present patent do not have prominent differences in the whole visual effect and possess the similarity.

According to the above-mentioned evidences 5-6, the present patent and evidences 5-6 are identical designs, thereby failing to comply with Rule.13 (1) of the Implementing Regulations of the Chinese Patent Law.

To sum up, the above-mentioned evidences prove that there are similar designs which have been publicly disclosed in publications in china before the date of filing of the present patent, so that the present patent obviously does not comply with Art.23 of the Chinese Patent Law and Rule.13 (1) of the Implementing Regulations of the Chinese Patent Law. The petitioner therefore requests the Board to declare the above mentioned patent for design completely invalid.

Petitioner: Shanghai Leon Networks In formation Co. Ltd

Patent Attorney: Advance China I.P. Law Office

Zeng Minhui Zhao Lei

Nov. 12, 2008



Patent Reexamination Board of the State Intellectual Property Office of the PRC

Vantone New World Plaza, 8<sup>th</sup> Flr.  
2, Fuchengmenwai Street, Beijing 100037, China

Issued on: Dec.  
11, 2008

Patent No.: 200730148719.0	PRB's Docket No.: W608509
Title of the Invention:	MOBILE COMMUNICATION DEVICE
Petitionee (patentee):	APPLE INC.
Petitioner:	SHANGHAI LEON NETWORKS INFORMATION CO., LTD

## Notification for Acceptance of Request for Invalidation

To the Patentee:

The petitioner filed a request for invalidation of the captioned patent on Nov. 21, 2008. After a formal examination, the request is found to be in conformity with the provisions of the Chinese Patent Law and the Implementing Regulations of the Chinese Patent Law, and thus is accepted. The patentee is requested to make observations on the request for invalidation within **one month** of receipt of this notification. Failing to respond within said time limit will not affect the Patent Reexamination Board's examination thereof. The observations shall be submitted in two copies, with the PRB's docket number and the patent number indicated.

Pursuant to Rule 68 of the Implementing Regulations of the Chinese Patent Law,