

Exhibit 2

EXHIBIT H
FILED UNDER SEAL

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 HAROLD J. MCELHINNY (CA SBN 66781)
2 hmcclhinny@mof.com
3 MICHAEL A. JACOBS (CA SBN 111664)
4 mjacobs@mof.com
5 RICHARD S.J. HUNG (CA SBN 197425)
6 rhung@mof.com
7 MORRISON & FOERSTER LLP
8 425 Market Street
9 San Francisco, California 94105-2482
10 Telephone: (415) 268-7000
11 Facsimile: (415) 268-7522

WILLIAM F. LEE (*pro hac vice*)
william.lee@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, Massachusetts 02109
Telephone: (617) 526-6000
Facsimile: (617) 526-5000

MARK D. SELWYN (SBN 244180)
mark.selwyn@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
950 Page Mill Road
Palo Alto, California 94304
Telephone: (650) 858-6000
Facsimile: (650) 858-6100

*Attorneys for Plaintiff and
Counterclaim-Defendant Apple Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

16 APPLE INC., a California corporation,

17 Plaintiff,

18 vs.

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

23 Defendants.

Civil Action No. 11-CV-01846-LHK

**APPLE INC.'S OBJECTIONS AND
RESPONSES TO SAMSUNG'S FOURTH
SET OF INTERROGATORIES**

**CONFIDENTIAL UNDER THE
PROTECTIVE ORDER**

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 Subject to and without waiving the foregoing General and Specific Objections, Apple
2 responds that in accordance with Federal Rule of Civil Procedure 33(d), Apple has produced
3 and/or will produce documents responsive to this Interrogatory, and that the burden of
4 ascertaining the answer to this Interrogatory from the produced business records is substantially
5 the same for Apple as for Samsung. Apple further designates, at this time, the following
6 documents from which information responsive to this Interrogatory may be ascertained:

7 APLNDC-Y0000051606 - APLNDCY0000051615.

8
9 **INTERROGATORY NO. 68:**

10 Separately for each APPLE DESIGN PATENT and APPLE TRADE DRESS, state fully
11 and in detail all facts that support YOUR contention as to the non-functionality of any claimed
12 feature, element or combination of features or elements.

13 **RESPONSE TO INTERROGATORY NO. 68**

14 Apple objects to the phrase “fully and in detail” as vague and ambiguous. Apple objects
15 to this Interrogatory as unduly burdensome, overbroad, and impracticable to the extent that it
16 requests Apple to state “all facts” supporting Apple’s contention “fully and in detail,” especially
17 given the late date in the discovery period at which this Interrogatory was propounded. Apple
18 additionally objects to this Interrogatory as onerous and unduly burdensome because it is
19 effectively two interrogatories – one for design patents and one for trade dress – as each requires
20 analysis under a separate legal standard. Apple further objects to this Interrogatory to the extent
21 it seeks information that: (i) would require Apple to draw a legal conclusion to respond; or (ii) is
22 subject to a confidentiality or nondisclosure agreement or governed by a protective order
23 preventing its production.

24 Subject to and incorporating its General Objections and its specific objections, Apple
25 responds as follows:
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SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 Apple is not aware that any aspect of Apple’s design patents or trade dress at issue in this
2 case is functional. First, there are a plethora of alternative designs available for smartphones and
3 tablet computers, some of which are set forth below. Second, Apple believes that its designs are
4 more difficult to manufacture than designs for other smartphones and tablet computers that
5 currently are or have been available in the marketplace. Third, Apple is not aware of any cost
6 benefits to any aspect of the Apple trade dress or design patents at issue in this case. In fact,
7 implementing Apple’s designs makes their manufacturing more challenging and expensive than
8 alternative smartphone and tablet computer designs in the marketplace. Fourth, Apple is not
9 aware of any utilitarian advantage to its smartphone and tablet computer designs and therefore
10 does not tout any such “advantages” in advertising its products. Apple’s exclusive use of its
11 designs will not put competitors at a significant non-reputation related disadvantage.
12

13 The following is a representative sampling of alternative designs that are available for
14 each of the design patents and trade dresses as issue in this case.

15
16 Alternative designs with respect to the D’889 patent include without limitation the
17 following patents and products:

- 18 • Samsung Q1
- 19 • Compaq TC1000
- 20 • Sony Tablet S & P
- 21 • Barnes & Noble Nook Tablet
- 22 • Vinci Tablet
- 23 • Acer Iconia Tab A500
- 24 • Fusion Garage Grid 10
- 25 • GriDPAD 2050
- 26 • Motion Computing LS800
- 27 • Droid XYBoard 8.2

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 Alternative designs with respect to the D'087, D'677, and D'270 Patents include without
2 limitation the following products:

- 3 • Pantech Crossover
- 4 • Sony Ericsson Xperia X10
- 5 • Nokia N8
- 6 • NEC N908
- 7 • Nokia Lumia 800
- 8 • Casio GZ One Commando
- 9 • Sony Ericsson Xperia S
- 10 • Modu phones and related jackets
- 11 • Nokia X5-01
- 12 • Samsung M7600 Beat DJ

13 Alternative designs with respect to the D'790, D'334, and D'305 include without
14 limitation the following products:

- 15 • Sony Ericsson Xperia X10
- 16 • Nokia N8
- 17 • Palm Centro
- 18 • Palm Pixi Plus
- 19 • Nokia Lumia 800
- 20 • Palm Treo 700p
- 21 • Pantech Hotshot CDM8992VW
- 22 • Blackberry Torch 9850
- 23 • Blackberry Storm 2
- 24 • Samsung F700

25 Alternative designs with respect to Apple's Original iPhone Trade Dress, iPhone 3G
26 Trade Dress, iPhone 4 Trade Dress, iPhone Trade Dress, and the trade dress registered in U.S.
27

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 Trademark Reg. Nos. 3,470,983, 3,457,218, and 3,475,327 include without limitation the
2 following products:

- 3 • Pantech Crossover
- 4 • Sony Ericsson Xperia X10
- 5 • Nokia N8
- 6 • NEC N908
- 7 • Nokia Lumia 800
- 8 • Casio GZ One Commando
- 9 • Sony Ericsson Xperia S
- 10 • Modu phones and related jackets
- 11 • Nokia X5-01
- 12 • Samsung M7600 Beat DJ

13 Alternative designs with respect to the iPad Trade Dress and the iPad 2 Trade Dress
14 include without limitation the following patents and products:

- 15 • Samsung Q1
- 16 • Compaq TC1000
- 17 • Sony Tablet S & P
- 18 • Barnes & Noble Nook Tablet
- 19 • Vinci Tablet
- 20 • Acer Iconia Tab A500
- 21 • Fusion Garage Grid 10
- 22 • GriDPAD 2050
- 23 • Motion Computing LS800
- 24 • Droid XYBoard 8.2

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

INTERROGATORY NO. 69:

7
8 Separately for each APPLE TRADE DRESS and APPLE TRADEMARK, state the date
9 on which YOU contend such trade dress and trademark became famous and acquired secondary
10 meaning and state fully and in detail all facts that support YOUR contention that such trade dress
11 and trademark became famous and acquired secondary meaning as of that date.

RESPONSE TO INTERROGATORY NO. 69

12
13 Apple objects to the phrase “fully and in detail” as vague and ambiguous. Apple objects
14 to this Interrogatory as unduly burdensome, overbroad, and impracticable to the extent that it
15 requests Apple to state “all facts” supporting Apple’s contention “fully and in detail,” especially
16 given the late date in the discovery period at which this Interrogatory was propounded. Apple
17 also objects to this Interrogatory as seeking information that is irrelevant and not likely to lead to
18 the discovery of admissible testimony to the extent that it seeks information regarding fame and
19 secondary meaning for the trademarks asserted in this proceeding. Apple additionally objects to
20 this Interrogatory as onerous and unduly burdensome because it is effectively two interrogatories
21 – one for trademarks and one for trade dress – as each requires analysis under a separate legal
22 standard. Apple further objects to this Interrogatory to the extent it seeks information that: (i)
23 would require Apple to draw a legal conclusion to respond; (ii) is outside of Apple’s possession,
24 custody, or control; (iii) can be obtained as easily by Samsung, is already in Samsung’s
25 possession, or is publicly available; or (iv) is subject to a confidentiality or nondisclosure
26 agreement or governed by a protective order preventing its production.
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SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 Subject to and incorporating its General Objections and its specific objections, Apple
2 responds as follows:
3

4 The public has come to recognize the appearance of the iPhone as a trademark by virtue
5 of the enormous publicity surrounding Apple's announcement in January 2007 and the launch of
6 the product on June 9, 2007, and the iPhone's unprecedented success in the marketplace. Sales
7 of the iPhone reached the 1 million mark after only 74 days, but the image of the product became
8 well-known to consumers not only because the product had enormous sales, but also because
9 images of the iPhone were and continue to be featured in news media, on the web, and in a much
10 admired marketing campaign. With front-page coverage in national newspapers, lead stories on
11 network TV newscasts, and comic parodies on late-night television and YouTube, the iPhone
12 received an estimated \$400 million in free advertising within months of its release. As a result,
13 consumers who saw the image of the iPhone immediately recognized it as *Apple's* iPhone, so
14 that the configuration of the product came to serve as an indicator of source.
15

16 Like the iPhone, the public quickly came to recognize the distinctive and unique
17 appearance of the iPad as a trademark of Apple due to the overwhelming publicity surrounding
18 the launch of the product and its impressive early sales. Following the announcement of the
19 product in January 2010, there were images of the iPad appearing on the front pages or lead
20 sections of *The New York Times*, *The Wall Street Journal*, and *USA Today*. The publicity
21 continued through the April 2010 launch date, when the iPad appeared on the front pages of *The*
22 *New York Times* and *USA Today*. The iPad product was also the subject of cover stories in *Time*
23 and *Newsweek*. As a result, consumers immediately recognized the distinctive look of the iPad
24 as an Apple product. In fact, in its first 80 days on the market, Apple sold 3 million iPads, and,
25 by March 2011, Apple had sold over 19 million iPads. Given the distinctive design of the iPad,
26 every iPad that is sold increases its recognition as a source identifier of Apple.
27
28

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 Apple believes that the each of the trade dresses identified in the Amended Complaint
2 was famous and had secondary meaning at least as early as the release of the corresponding
3 Apple product, as set forth in the chart below, and certainly earlier than the launch of Samsung's
4 infringing products at issue in this lawsuit:
5

Trade Dress	Release Date for First Product Embodying Trade Dress
Original iPhone Trade Dress	June 29, 2007
iPhone 3G Trade Dress	June 29, 2007
iPhone Trade Dress	June 29, 2007
iPhone 4 Trade Dress	June 24, 2010
iPad Trade Dress	April 3, 2010
iPad 2 Trade Dress	April 3, 2010
The trade dress registered in U.S. Trademark Reg. No. 3,470,983	June 29, 2007
The trade dress registered in U.S. Trademark Reg. No. 3,457,218	June 29, 2007
The trade dress registered in U.S. Trademark Reg. No. 3,475,327	June 29, 2007

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20 Facts that support Apple's contention that its various trade dresses have secondary
21 meaning and are famous include, but are not limited to, facts relating to (i) the unique appearance
22 of the iPhone, iPod touch, and iPad products, (ii) pre-launch publicity for the iPhone, iPod touch,
23 and iPad products, (iii) Apple's extensive advertising of the iPhone, iPod touch, and iPad
24 products, (iv) unsolicited third-party press for the iPhone, iPod touch, and iPad products,
25 including positive reviews and press accolades, (v) the iPhone, iPod touch, and iPad products'
26 appearance in popular media, (vi) the widespread use of the iPhone, iPod touch, and iPad
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SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 products by well known political, sports, and entertainment figures, (vii) design awards received
2 by Apple for the design of the iPhone, iPod touch, and iPad products, and (viii) sales of the
3 iPhone, iPod touch, and iPad products. Apple notes that the icon trademarks asserted in this case
4 are inherently distinctive and are not the subject of a dilution claim; therefore, any facts
5 supporting acquired distinctiveness or fame are not relevant for the icon trademarks.
6

7 **INTERROGATORY NO. 70:**

8 Separately for each APPLE TRADE DRESS, state fully and in detail all facts that
9 support YOUR contention that SAMSUNG is diluting or has diluted such trade dress.

10 **RESPONSE TO INTERROGATORY NO. 70**

11 Apple objects to the phrase “fully and in detail” as vague and ambiguous. Apple objects
12 to this Interrogatory as unduly burdensome, overbroad, and impracticable to the extent that it
13 requests Apple to state “all facts” supporting Apple’s contention “fully and in detail,” especially
14 given the late date in the discovery period at which this Interrogatory was propounded. Apple
15 further objects to this Interrogatory to the extent it seeks information that: (i) would require
16 Apple to draw a legal conclusion to respond; (ii) is outside of Apple’s possession, custody, or
17 control; (iii) can be obtained as easily by Samsung, is already in Samsung’s possession, or is
18 publicly available; or (iv) is subject to a confidentiality or nondisclosure agreement or governed
19 by a protective order preventing its production.

20 Subject to and incorporating its General Objections and its specific objections, Apple
21 responds as follows with respect to the Samsung products accused in Apple’s Amended
22 Complaint:

23 Samsung is diluting Apple’s Original iPhone Trade Dress, iPhone 3G Trade Dress,
24 iPhone 4 Trade Dress, iPhone Trade Dress, iPad Trade Dress, iPad 2 Trade Dress and the trade
25 dress registered in U.S. Trademark Reg. Nos. 3,470,983, 3,457,218, and 3,475,327 by
26 advertising and selling a wide variety of lookalike products, including without limitation Galaxy,
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SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 **INTERROGATORY NO. 71:**

2 Separately for each SAMSUNG product or product packaging that YOU contend
3 infringes any APPLE TRADE DRESS or APPLE TRADEMARK, state fully and in detail on a
4 trade dress-by-trade dress and trademark-by-trademark basis all facts that support YOUR
5 contention that the SAMSUNG product or product packaging is likely to cause confusion, cause
6 mistake, or deceive consumers as to the affiliation, connection, or association of SAMSUNG
7 with APPLE, or as to origin, sponsorship, or approval by APPLE of SAMSUNG'S goods,
8 services or commercial activities.

9 **RESPONSE TO INTERROGATORY NO. 71:**

10
11 Apple objects to the phrase "fully and in detail" as vague and ambiguous. Apple objects
12 to this Interrogatory as unduly burdensome, overbroad, and impracticable to the extent that it
13 requests Apple to state "all facts" supporting Apple's contention "fully and in detail," especially
14 given the late date in the discovery period at which this Interrogatory was propounded. Apple
15 further objects to this Interrogatory to the extent it seeks information that: (i) would require
16 Apple to draw a legal conclusion to respond; (ii) is outside of Apple's possession, custody, or
17 control; (iii) can be obtained as easily by Samsung, is already in Samsung's possession, or is
18 publicly available; or (iv) is subject to a confidentiality or nondisclosure agreement or governed
19 by a protective order preventing its production.

20
21 Subject to and incorporating its General Objections and its specific objections, Apple
22 responds as follows with respect to the Samsung products accused in Apple's Amended
23 Complaint:

24 Samsung is infringing Apple's Original iPhone Trade Dress, iPhone 3G Trade Dress,
25 iPhone 4 Trade Dress, iPhone Trade Dress, iPad Trade Dress, iPad 2 Trade Dress and the trade
26 dress registered in U.S. Trademark Reg. Nos. 3,470,983, 3,457,218, and 3,475,327 by
27

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

1 advertising and selling a wide variety of lookalike products, including without limitation Galaxy,
2 Galaxy S, and Galaxy SII products such as Captivate, Continuum, Droid Charge, Epic 4G,
3 Fascinate, Galaxy Ace, Galaxy Prevail, Galaxy S (i9000), Galaxy S 4G, Galaxy S II (AT&T
4 Edition, 4G), Galaxy S II (i9100), Galaxy S II (T-Mobile edition), Galaxy S II Epic 4G Touch,
5 Galaxy S II Skyrocket (4G LTE), Galaxy S Showcase (i500), Infuse 4G, Mesmerize, Vibrant,
6 Galaxy Tab 7.0, Galaxy Tab 7.0 Plus, Galaxy Tab 10.1, and Galaxy Tab 10.1 LTE. These
7 products were intentionally designed to look like Apple products in their hardware and user
8 interface design and infringe Apple's trade dress rights, as shown in the charts below.
9

Trade Dress

- 10
11 **A. Original iPhone Trade Dress; iPhone 3G Trade Dress; iPhone 4 Trade Dress;
12 iPhone Trade Dress; U.S. Trademark Registration Nos. 3,470,983; 3,457,218;
13 3,475,327**

Trade Dress		
Original iPhone Trade Dress; iPhone Trade Dress	iPhone 3G Trade Dress	iPhone 4 Trade Dress
		
U.S. Reg. No. 3,470,983	U.S. Reg. No. 3,457,218	U.S. Reg. No. 3,475,327

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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Accused Samsung Designs



**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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Galaxy S (i9000)



Galaxy S 4G



Galaxy S II (AT&T Edition, 4G)



Galaxy S II (i9100)



Galaxy S II (T-Mobile edition)



Galaxy S II Epic 4G Touch

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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Galaxy S II Skyrocket (4G LTE)



Galaxy S Showcase (i500)



Infuse 4G



Mesmerize



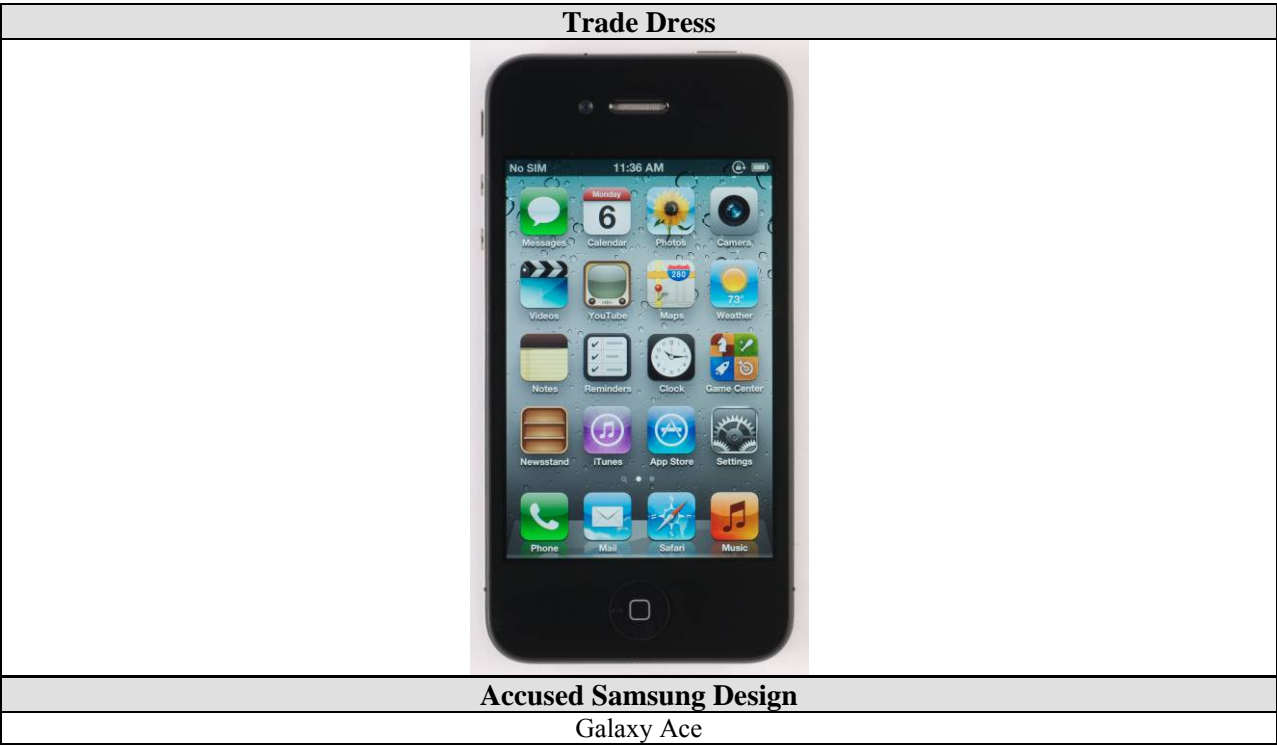
Vibrant

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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B. iPhone 4 Trade Dress

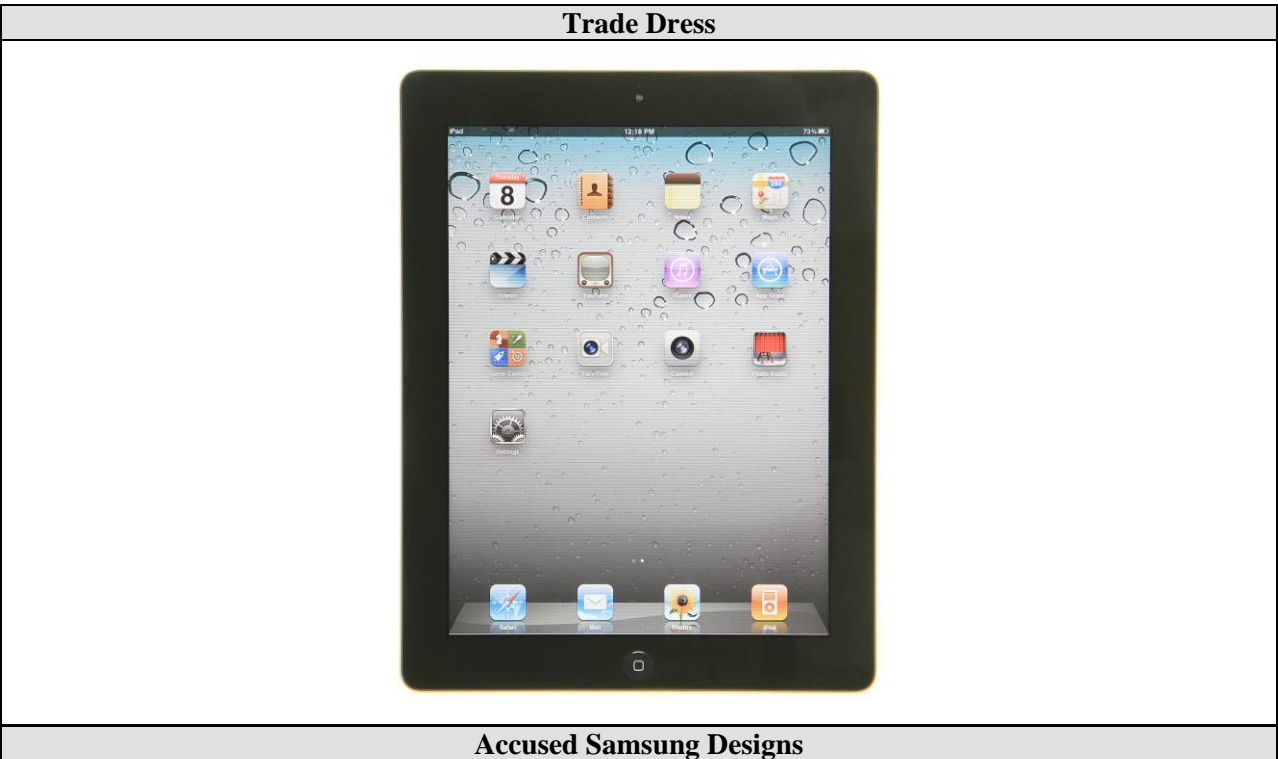


**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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C. iPad Trade Dress and iPad2 Trade Dress



SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

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Galaxy Tab 7.0



Galaxy Tab 7.0 Plus



SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

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Galaxy Tab 10.1



Galaxy Tab 10.1 LTE

Samsung is also infringing Apple's icon trademarks by advertising and selling a wide variety of products using confusingly similar icons, including without limitation phones and products such as Captivate; Continuum; Droid Charge; Epic 4G; Exhibit 4G; Fascinate; Galaxy Ace; Galaxy S (i9000); Galaxy S 4G; Galaxy S II (AT&T Edition, 4G); Galaxy S II (T-Mobile Edition); Galaxy S II Epic 4G Touch; Galaxy S II Skyrocket (4G LTE); Galaxy S Showcase; Gem; Gravity Smart; Indulge; Infuse 4G; Mesmerize; and Vibrant. The icons on these products were intentionally designed to look like Apple's icons and infringe Apple's trademark rights, as shown in the charts below.








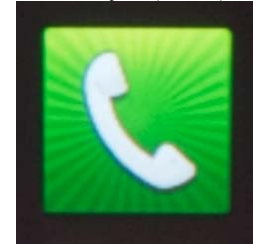


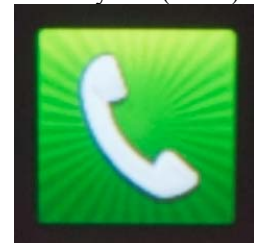

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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Icon Trademarks










I. 3,886,196 – Trademark Icon for Telephone Calls



<p style="text-align: center;">Captivate</p> 	<p style="text-align: center;">Continuum</p> 	<p style="text-align: center;">Droid Charge</p> 	<p style="text-align: center;">Epic 4G</p> 
<p style="text-align: center;">Exhibit 4G</p> 	<p style="text-align: center;">Fascinate</p> 	<p style="text-align: center;">Galaxy Ace</p> 	<p style="text-align: center;">Galaxy S (i9000)</p> 
<p style="text-align: center;">Galaxy S 4G</p> 	<p style="text-align: center;">Galaxy S II (AT&T Edition, 4G)</p> 	<p style="text-align: center;">Galaxy S II (i9100)</p> 	<p style="text-align: center;">Galaxy S II (T-Mobile Edition)</p> 

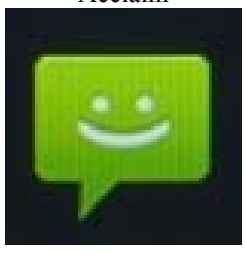



**SUBJECT TO PROTECTIVE ORDER
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Galaxy S II Epic 4G Touch	Galaxy S II Skyrocket (4G LTE)	Galaxy S Showcase	Gem
			
Gravity Smart	Indulge	Infuse 4G	Mesmerize
			
Vibrant			
			

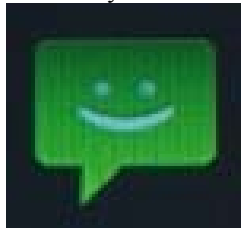
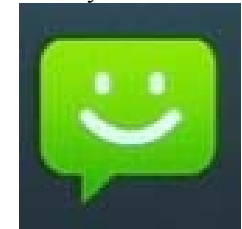
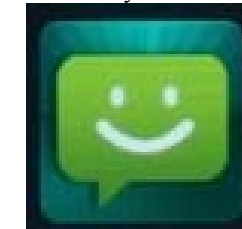

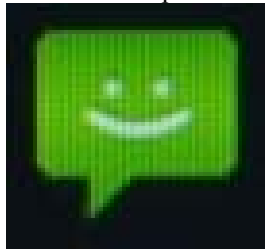



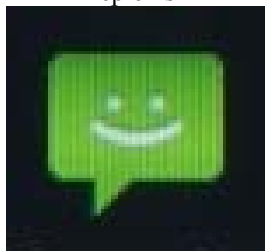
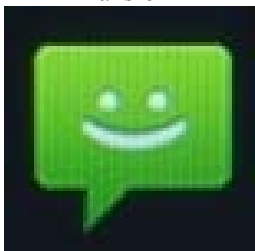
J. 3,889,642 – Trademark Icon for Messaging



Acclaim	Continuum	Droid Charge	Fascinate
			

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

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Galaxy Prevail 	Galaxy S Showcase 	Galaxy Tab 7.0 	Gem 
Intercept 	Mesmerize 	Nexus S 	Nexus S 4G 
Replenish 	Transform 		



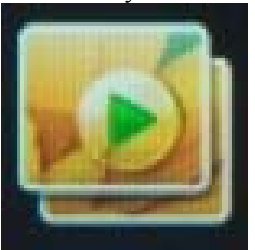

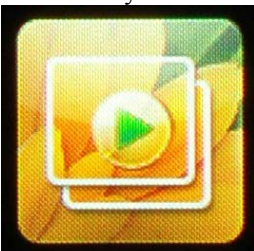

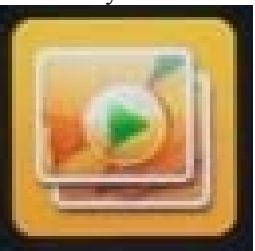


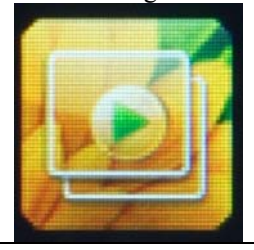

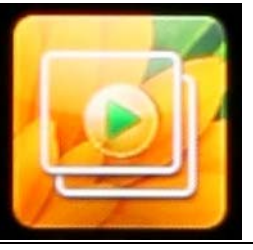
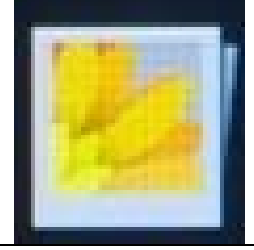
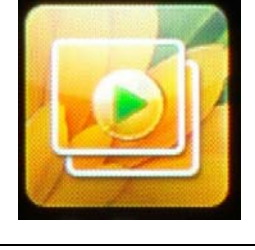
K. 3,886,200 – Trademark Icon for Photos



Captivate 	Continuum 	Droid Charge 	Epic 4G 
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SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

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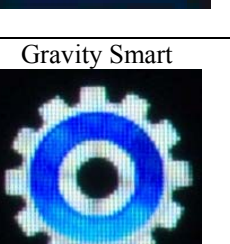
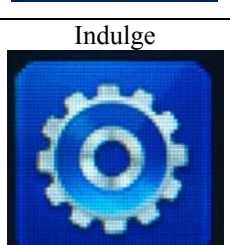



Exhibit 4G 	Fascinate 	Galaxy Ace 	Galaxy S (i9000) 
Galaxy S 4G 	Galaxy S Showcase 	Galaxy Tab 7.0 	Gem 
Gravity Smart 	Indulge 	Infuse 4G 	Mesmerize 
Sidekick 	Vibrant 		

L. 3,889,685 – Trademark Icon for Settings



**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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<p>Captivate</p> 	<p>Continuum</p> 	<p>Droid Charge</p> 	<p>Epic 4G</p> 
<p>Exhibit 4G</p> 	<p>Fascinate</p> 	<p>Galaxy Ace</p> 	<p>Galaxy S (i9000)</p> 
<p>Galaxy S 4G</p> 	<p>Galaxy S II (AT&T Edition, 4G)</p> 	<p>Galaxy S II (i9100)</p> 	<p>Galaxy S II (T-Mobile Edition)</p> 
<p>Galaxy S II Epic 4G Touch</p> 	<p>Galaxy S II Skyrocket (4G LTE)</p> 	<p>Galaxy S Showcase</p> 	<p>Galaxy Tab 7.0</p> 
<p>Galaxy Tab 7.0 Plus</p> 	<p>Galaxy Tab 10.1</p> 	<p>Gem</p> 	<p>Gravity Smart</p> 
<p>Indulge</p> 	<p>Infuse 4G</p> 	<p>Mesmerize</p> 	<p>Vibrant</p> 

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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M. 3,886,169 – Trademark Icon for Notes



<p>Captivate</p>	<p>Continuum</p>	<p>Epic 4G</p>	<p>Exhibit 4G</p>
<p>Fascinate</p>	<p>Galaxy Ace</p>	<p>Galaxy S (i9000)</p>	<p>Galaxy S 4G</p>
<p>Galaxy S II (AT&T Edition, 4G)</p>	<p>Galaxy S II (i9100)</p>	<p>Galaxy S II Skyrocket (4G LTE)</p>	<p>Galaxy S Showcase</p>
<p>Galaxy Tab 7.0</p>	<p>Gravity Smart</p>	<p>Indulge</p>	<p>Infuse 4G</p>

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

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**SUBJECT TO PROTECTIVE ORDER
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N. 3,886,197 – Trademark Icon for Contacts



<p>Captivate</p>	<p>Continuum</p>	<p>Droid Charge</p>	<p>Epic 4G</p>
<p>Exhibit 4G</p>	<p>Fascinate</p>	<p>Galaxy Ace</p>	<p>Galaxy S (i9000)</p>
<p>Galaxy S 4G</p>	<p>Galaxy S II (AT&T Edition, 4G)</p>	<p>Galaxy S II (i9100)</p>	<p>Galaxy S II (T-Mobile Edition)</p>
<p>Galaxy S II Epic 4G Touch</p>	<p>Galaxy S II Skyrocket (4G LTE)</p>	<p>Galaxy S Showcase</p>	<p>Galaxy Tab 7.0</p>

**SUBJECT TO PROTECTIVE ORDER
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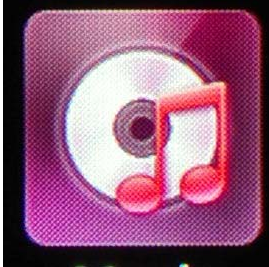

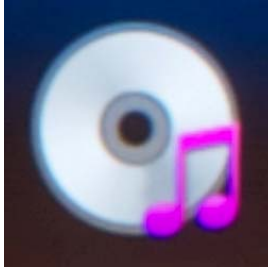




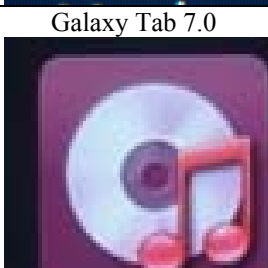
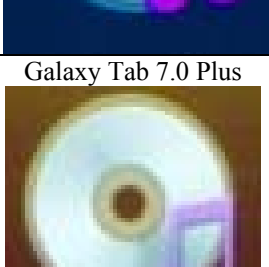


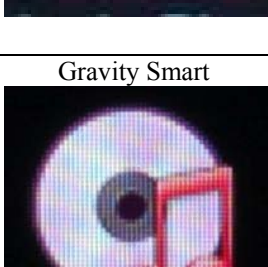


O. Application No. 85/041,463 (Purple iTunes Store Trademark) and Registration No. 2,935,038 (“iTunes Eighth Note and CD Design Trademark”)



**SUBJECT TO PROTECTIVE ORDER
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Captivate 	Continuum 	Droid Charge 	Epic 4G 
Exhibit 4G 	Fascinate 	Galaxy Ace 	Galaxy S (i9000) 
Galaxy S 4G 	Galaxy S II (AT&T Edition, 4G) 	Galaxy S II (i9100) 	Galaxy S II (T-Mobile Edition) 
Galaxy S II Epic 4G Touch 	Galaxy S II Skyrocket (4G LTE) 	Galaxy S Showcase 	Galaxy Tab 7.0 
Galaxy Tab 7.0 Plus 	Galaxy Tab 10.1 	Gem 	Gravity Smart 

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION



Consumers who see Samsung’s products are likely to be confused as to the source of Samsung’s products, or misled into believing that there is an association between the Samsung products and Apple. Samsung had many options in developing its smartphones and tablet computers. Indeed, earlier versions of Samsung smartphones did not embody the same combination of elements of Apple’s trade dress. Even the icons in earlier versions of the Samsung smartphones looked different because, for example, they did not appear as a matrix of colorful square icons above a bottom “dock” of icons.

Facts that support Apple’s contention that Samsung’s Galaxy, Galaxy S, and Galaxy SII smartphone and tablet computer products have infringed and will continue to infringe the Apple trade dress and icon trademarks at issue in this lawsuit include, but are not limited to, facts relating to (i) the unique appearance of the iPhone, iPod touch, and iPad products, (ii) pre-launch publicity for the iPhone, iPod touch, and iPad products, (iii) Apple’s extensive advertising of the iPhone, iPod touch, and iPad products, (iv) unsolicited third-party press for the iPhone, iPod touch, and iPad products, including positive reviews and press accolades, (v) the iPhone, iPod touch, and iPad products’ appearance in popular media, (vi) the widespread use of the iPhone, iPod touch, and iPad products by well known political, sports, and entertainment figures, (vii) design awards received by Apple for the design of the iPhone, iPod touch, and iPad products, (viii) sales of the iPhone, iPod touch, and iPad products, (ix) Samsung’s extensive advertisements of the Galaxy, Galaxy S, and Galaxy SII smartphone and tablet computer products, (x) third-party reviews of Samsung’s Galaxy, Galaxy S, and Galaxy SII smartphone

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 and tablet computer products, including reviews comparing Samsung’s smartphone and tablet
2 computer products to Apple’s products, and (xi) Samsung’s sales of the Galaxy, Galaxy S, and
3 Galaxy SII smartphone and tablet computer products.
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SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 **INTERROGATORY NO. 72:**

2 Separately for each SAMSUNG product that YOU contend infringes any APPLE
3 DESIGN PATENT, state fully and in detail on a patent-by-patent basis all facts supporting
4 YOUR contention of infringement, describe fully and in detail on a patent-by-patent basis where
5 each claimed element or feature of the patent is found on the accused SAMSUNG product and
6 provide a chart identifying fully and in detail on a patent-by-patent basis specifically where each
7 claimed element or feature is found on the accused SAMSUNG product.
8

9 **RESPONSE TO INTERROGATORY NO. 72**

10 Samsung directly infringes each asserted design patent (D'889, D'087, D'677, D'270,
11 D'790, D'334, and D'305) by making, using, selling, and offering for sale within the United
12 States and importing into the United States devices that practice these patents, including the
13 Accused Products. Each design patent claims the overall designs depicted, and the claims in
14 these patents are presumptively valid.

15 No aspect of the designs in the asserted design patents is dictated by function. Thus, no
16 aspect of the designs should be factored out for purposes of determining whether Samsung's
17 devices infringe the D'889, D'087, D'677, D'270, D'790, D'334, and D'305 Patents. A design
18 is not dictated solely by function when alternative designs are available. With respect to the
19 designs claimed in the asserted design patents, numerous alternative designs exist—some of
20 which were patented or commercially manufactured by Samsung itself and some of which were
21 patented or made by third parties.

22 The following is a representative sampling of alternative designs that are available for
23 each of the design patents at issue in this case.

24 Alternative designs with respect to the D'889 Patent include without limitation the
25 following patents and products:

- 26 • Samsung Q1
- 27 • Compaq TC1000

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

- Sony Tablet S & P
- Barnes & Noble Nook Tablet
- Vinci Tablet
- Acer Iconia Tab A500
- Fusion Garage Grid 10
- GriDPAD 2050
- Motion Computing LS800
- Droid XYBoard 8.2

Alternative designs with respect to the D'087, D'677, and D'270 Patents include without limitation the following products:

- Pantech Crossover
- Sony Ericsson Xperia X10
- Nokia N8
- NEC N908
- Nokia Lumia 800
- Casio GZ One Commando
- Sony Ericsson Xperia S
- Modu phones and related jackets
- Nokia X5-01
- Samsung M7600 Beat DJ

Alternative designs with respect to the D'790, D'334, and D'305 Patents include without limitation the following products:

- Sony Ericsson Xperia X10
- Nokia N8
- Palm Centro
- Palm Pixi Plus

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

- Nokia Lumia 800
- Palm Treo 700p
- Pantech Hotshot CDM8992VW
- Blackberry Torch 9850
- Blackberry Storm 2
- Samsung F700

Moreover, alternative cellular phone and tablet computer designs were explored during the development process of Apple products and some were commercially manufactured by Apple. These alternative designs are contained in the native design files that have been produced for inspection, in the printouts of these native files that have been produced to Samsung, and in the numerous Apple mockups that have been produced for inspection. A number of these alternative designs were identified in Christopher Stringer's reply declaration in support of Apple's motion for preliminary injunction.

In determining whether an accused product infringes a design patent, courts must compare the patented design as a whole to the accused products. Verbal descriptions of the claimed designs are not required. As demonstrated in the following claim charts, the asserted Apple designs are substantially the same in overall visual appearance as the corresponding portion of each accused Samsung product.

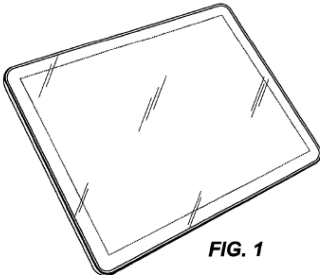

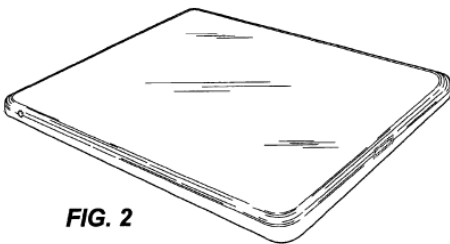

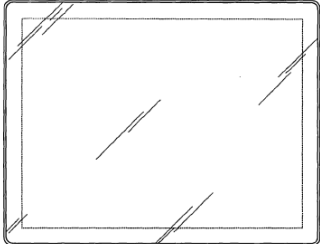

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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1. The D'889 Patent

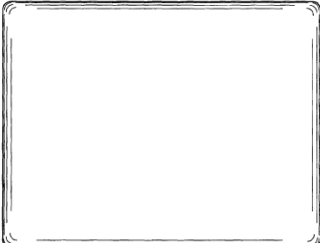









Each accused Samsung product incorporates a body and front face that is substantially the same in overall visual appearance as the design claimed in the D'889 Patent.

a. Samsung Galaxy Tab 10.1

D'889 Patent Claim	Samsung Galaxy Tab 10.1
 <p style="text-align: right;">FIG. 1</p>	
 <p style="text-align: left;">FIG. 2</p>	
 <p style="text-align: right;">FIG. 3</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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D'889 Patent Claim	Samsung Galaxy Tab 10.1
 <p style="text-align: center;">FIG. 4</p>	
 <p style="text-align: center;">FIG. 5</p>	
 <p style="text-align: center;">FIG. 6</p>	
 <p style="text-align: center;">FIG. 7</p>	
 <p style="text-align: center;">FIG. 8</p>	

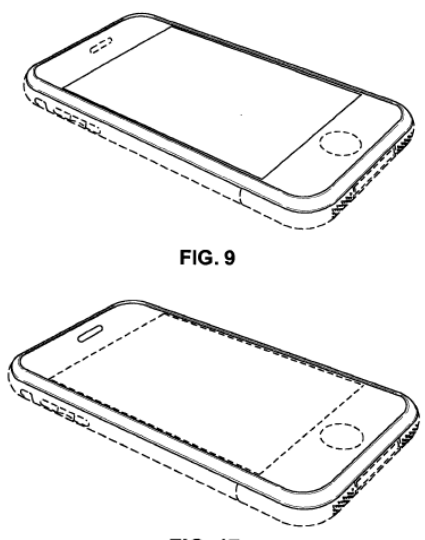

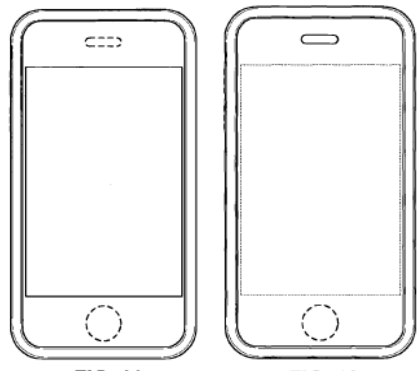

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

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2. The D'087 Patent²

Each accused Samsung product incorporates a front face and bezel that is substantially the same in overall visual appearance as the design claimed in the D'087 Patent.

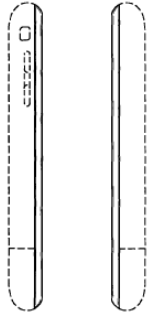





a. Samsung Galaxy S i9000

D'087 Patent Claim (Selected Embodiments)	Samsung Galaxy S i9000
 <p style="text-align: center;">FIG. 9</p> <p style="text-align: center;">FIG. 17</p>	
 <p style="text-align: center;">FIG. 11</p> <p style="text-align: center;">FIG. 19</p>	

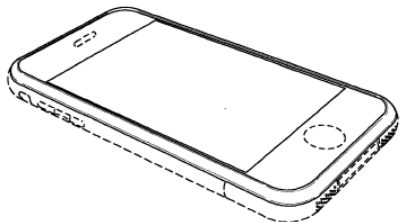

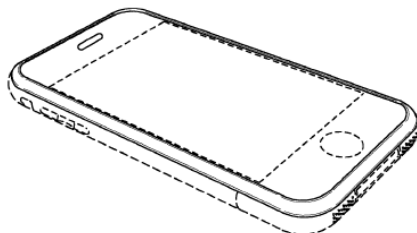
² In the charts that follow with respect to the D'087 patent, drawings that consist entirely of dotted lines are omitted. Figures 5 through 8, respectively, are equivalent to figures 13 through 16; 21 through 24; 29 through 32; 37 through 40; and 45 through 48. Because the D'087 incorporates numerous alternative embodiments, only the relevant ones are included.

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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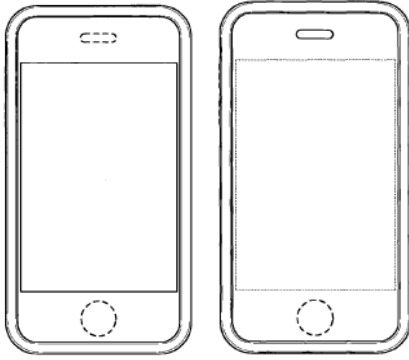

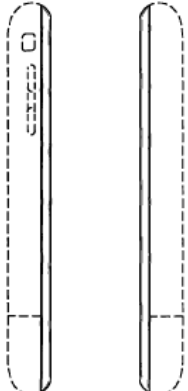

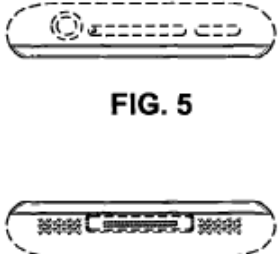

D'087 Patent Claim (Selected Embodiments)	Samsung Galaxy S i9000
 <p style="text-align: center;">FIG. 7 FIG. 8</p>	
 <p style="text-align: center;">FIG. 5</p>	
 <p style="text-align: center;">FIG. 6</p>	

b. Samsung Galaxy S 4G

D'087 Patent Claim (Selected Embodiments)	Samsung Galaxy S 4G
 <p style="text-align: center;">FIG. 9</p>	
 <p style="text-align: center;">FIG. 17</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**


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D'087 Patent Claim (Selected Embodiments)	Samsung Galaxy S 4G
 <p style="text-align: center;">FIG. 11 FIG. 19</p>	
 <p style="text-align: center;">FIG. 7 FIG. 8</p>	
 <p style="text-align: center;">FIG. 5</p> <p style="text-align: center;">FIG. 6</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

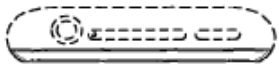



c. Samsung Infuse 4G

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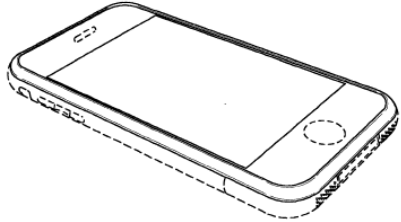
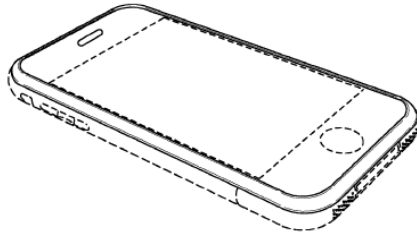

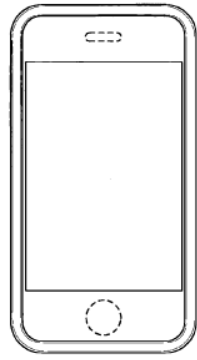
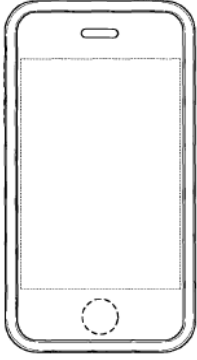

D'087 Patent Claim (Selected Embodiments)	Samsung Infuse 4G
 <p style="text-align: center;">FIG. 9</p> <p style="text-align: center;">FIG. 17</p>	
 <p style="text-align: center;">FIG. 11 FIG. 19</p>	
 <p style="text-align: center;">FIG. 7 FIG. 8</p>	

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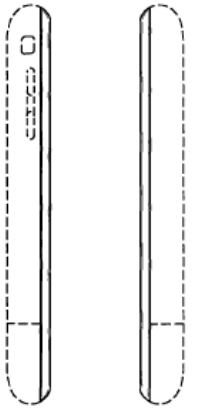

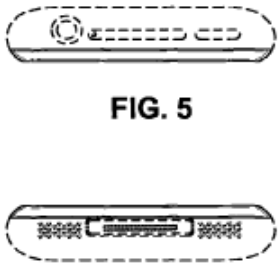

D'087 Patent Claim (Selected Embodiments)	Samsung Infuse 4G
 <p align="center">FIG. 5</p>	
 <p align="center">FIG. 6</p>	

d. Samsung Vibrant

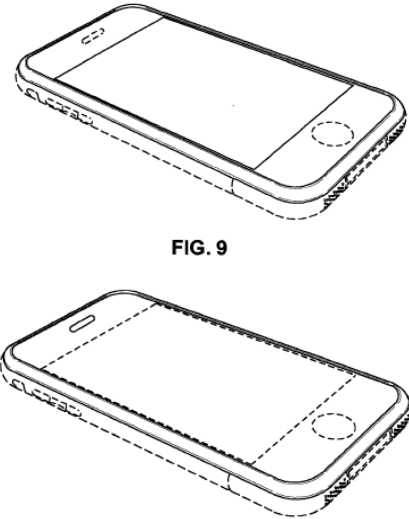

D'087 Patent Claim (Selected Embodiments)	Samsung Vibrant
 <p align="center">FIG. 9</p>  <p align="center">FIG. 17</p>	
 <p align="center">FIG. 11</p>  <p align="center">FIG. 19</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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D'087 Patent Claim (Selected Embodiments)	Samsung Vibrant
 <p align="center">FIG. 7 FIG. 8</p>	
 <p align="center">FIG. 5</p> <p align="center">FIG. 6</p>	

e. Samsung Galaxy S II Epic 4G Touch

D'087 Patent Claim (Selected Embodiments)	Samsung Galaxy S II Epic 4G Touch
 <p align="center">FIG. 9</p> <p align="center">FIG. 17</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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D'087 Patent Claim (Selected Embodiments)	Samsung Galaxy S II Epic 4G Touch
 <p align="center">FIG. 11 FIG. 19</p>	
 <p align="center">FIG. 7 FIG. 8</p>	
 <p align="center">FIG. 5</p> <p align="center">FIG. 6</p>	

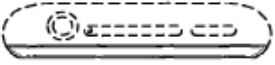



**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

f. Samsung Galaxy S II (AT&T)

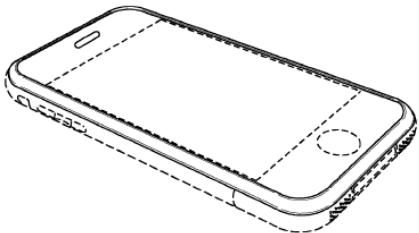

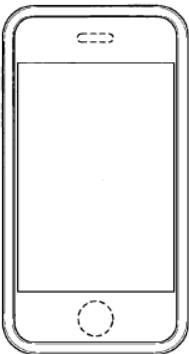
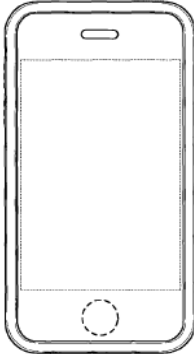

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D'087 Patent Claim (Selected Embodiments)	Samsung Galaxy S II (AT&T)
 <p style="text-align: center;">FIG. 9</p>  <p style="text-align: center;">FIG. 17</p>	
 <p style="text-align: center;">FIG. 11</p>  <p style="text-align: center;">FIG. 19</p>	
 <p style="text-align: center;">FIG. 7</p>  <p style="text-align: center;">FIG. 8</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

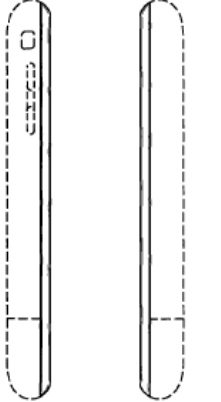

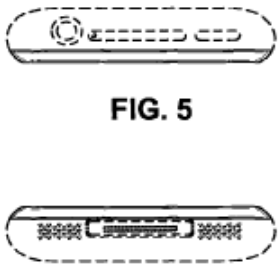

D'087 Patent Claim (Selected Embodiments)	Samsung Galaxy S II (AT&T)
<p align="center">  FIG. 5 </p> <p align="center">  FIG. 6 </p>	<p align="center">   </p>

g. Samsung Galaxy S II Skyrocket

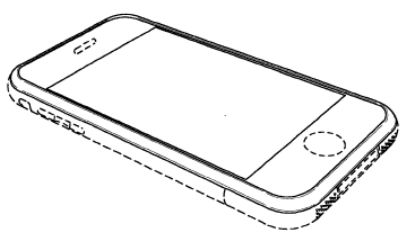

D'087 Patent Claim (Selected Embodiments)	Samsung Galaxy S II Skyrocket
<p align="center">  FIG. 9 </p> <p align="center">  FIG. 17 </p>	<p align="center">  </p>
<p align="center">  FIG. 11 </p> <p align="center">  FIG. 19 </p>	<p align="center">  </p>

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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D'087 Patent Claim (Selected Embodiments)	Samsung Galaxy S II Skyrocket
 <p align="center">FIG. 7 FIG. 8</p>	
 <p align="center">FIG. 5</p> <p align="center">FIG. 6</p>	

h. Samsung Galaxy S II i9100

D'087 Patent Claim (Selected Embodiments)	Samsung Galaxy S II i9100
 <p align="center">FIG. 9</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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D'087 Patent Claim (Selected Embodiments)	Samsung Galaxy S II i9100
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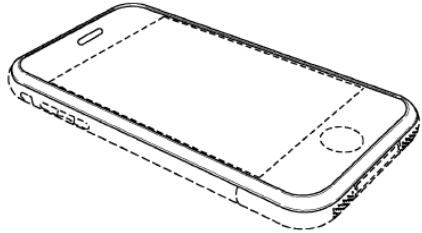


FIG. 17

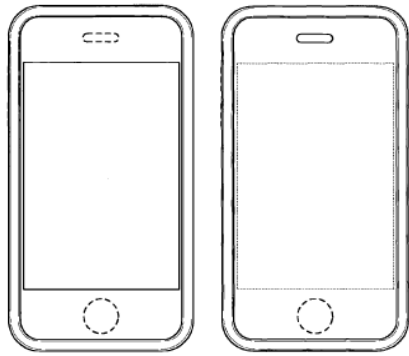


FIG. 11

FIG. 19



FIG. 7

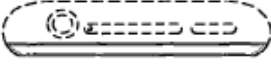





FIG. 8



**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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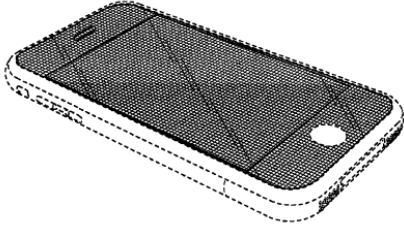

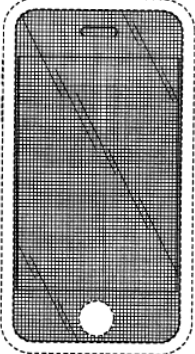

D'087 Patent Claim (Selected Embodiments)	Samsung Galaxy S II i9100
<p style="text-align: center;"> FIG. 5</p> <p style="text-align: center;"> FIG. 6</p>	<p style="text-align: center;"></p> <p style="text-align: center;"></p>

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

3. The D'677 Patent³

Each accused Samsung product incorporates a front face that is substantially the same in overall visual appearance as the design claimed in the D'677 Patent.

a. Samsung Mesmerize (SCH-I500); Samsung Showcase i500 (SCH-I500); Samsung Showcase Galaxy S (SCH-I500) Samsung Fascinate (SCH-I500)

D'677 Patent Claim	Samsung SCH-I500 (Mesmerize / Showcase i500 / Showcase Galaxy S / Fascinate)
 <p style="text-align: center;"><i>FIG. 1</i></p>	
 <p style="text-align: center;"><i>FIG. 3</i></p>	

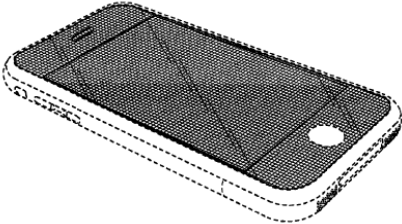

³ In the charts below with respect to the D'677 patent, drawings that consist entirely of dotted lines are omitted.

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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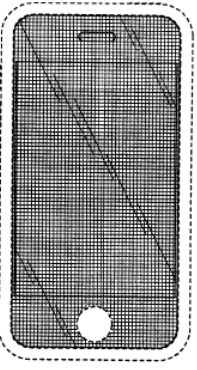

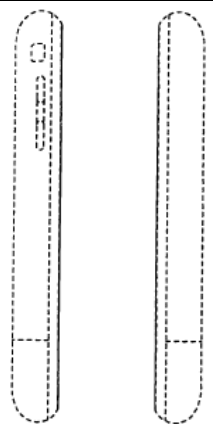

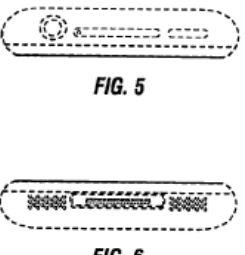

D'677 Patent Claim	Samsung SCH-I500 (Mesmerize / Showcase i500 / Showcase Galaxy S / Fascinate)
 <p>FIG. 7 FIG. 8</p>	
 <p>FIG. 5</p> <p>FIG. 6</p>	

b. Samsung Galaxy S i9000

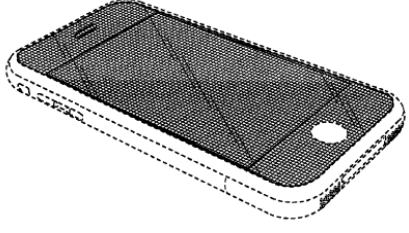

D'677 Patent Claim	Samsung Galaxy S i9000
 <p>FIG. 1</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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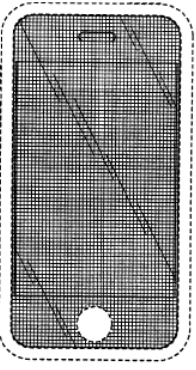

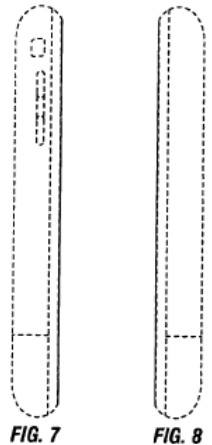

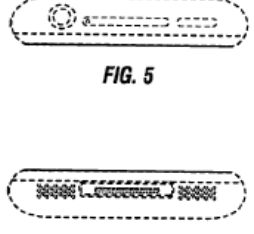

D'677 Patent Claim	Samsung Galaxy S i9000
 <p align="center">FIG. 3</p>	
 <p align="center">FIG. 7 FIG. 8</p>	
 <p align="center">FIG. 5</p> <p align="center">FIG. 6</p>	

c. Samsung Galaxy Ace

D'677 Patent Claim	Samsung Galaxy Ace
 <p align="center">FIG. 1</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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D'677 Patent Claim	Samsung Galaxy Ace
 <p style="text-align: center;">FIG. 3</p>	
 <p style="text-align: center;">FIG. 7 FIG. 8</p>	
 <p style="text-align: center;">FIG. 5</p> <p style="text-align: center;">FIG. 6</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

d. Samsung Galaxy S 4G

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D'677 Patent Claim	Samsung Galaxy S 4G
 <p align="center">FIG. 1</p>	
 <p align="center">FIG. 3</p>	
 <p align="center">FIG. 7 FIG. 8</p>	
 <p align="center">FIG. 5</p> <p align="center">FIG. 6</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

e. Samsung Infuse 4G

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D'677 Patent Claim	Samsung Infuse 4G
 <p align="center">FIG. 1</p>	
 <p align="center">FIG. 3</p>	
 <p align="center">FIG. 7 FIG. 8</p>	
 <p align="center">FIG. 5</p> <p align="center">FIG. 6</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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f. Samsung Vibrant

D'677 Patent Claim	Samsung Vibrant
 <p style="text-align: center;">FIG. 1</p>	
 <p style="text-align: center;">FIG. 3</p>	
 <p style="text-align: center;">FIG. 7 FIG. 8</p>	
 <p style="text-align: center;">FIG. 5</p>  <p style="text-align: center;">FIG. 6</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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g. Samsung Galaxy S II Epic 4G Touch

D'677 Patent Claim	Samsung Galaxy S II Epic 4G Touch
 <p align="center">FIG. 1</p>	
 <p align="center">FIG. 3</p>	
 <p align="center">FIG. 7 FIG. 8</p>	
 <p align="center">FIG. 5</p> <p align="center">FIG. 6</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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h. Samsung Galaxy S II (T-Mobile)

D'677 Patent Claim	Samsung Galaxy S II (T-Mobile)
 <p align="center">FIG. 1</p>	
 <p align="center">FIG. 3</p>	
 <p align="center">FIG. 7 FIG. 8</p>	
 <p align="center">FIG. 5</p> <p align="center">FIG. 6</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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i. Samsung Galaxy S II (AT&T)

D'677 Patent Claim	Samsung Galaxy S II (AT&T)
 <p align="center">FIG. 1</p>	
 <p align="center">FIG. 3</p>	
 <p align="center">FIG. 7 FIG. 8</p>	
 <p align="center">FIG. 5</p> <p align="center">FIG. 6</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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j. Samsung Galaxy S II Skyrocket

D'677 Patent Claim	Samsung Galaxy S II Skyrocket
 <p align="center">FIG. 1</p>	
 <p align="center">FIG. 3</p>	
 <p align="center">FIG. 7 FIG. 8</p>	
 <p align="center">FIG. 5</p> <p align="center">FIG. 6</p>	

**SUBJECT TO PROTECTIVE ORDER
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k. Samsung Galaxy S II i9100

D'677 Patent Claim	Samsung Galaxy S II i9100
 <p style="text-align: center;">FIG. 1</p>	
 <p style="text-align: center;">FIG. 3</p>	
 <p style="text-align: center;">FIG. 7 FIG. 8</p>	
 <p style="text-align: center;">FIG. 5</p>  <p style="text-align: center;">FIG. 6</p>	 

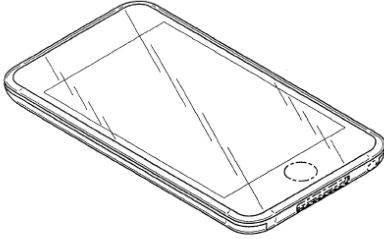

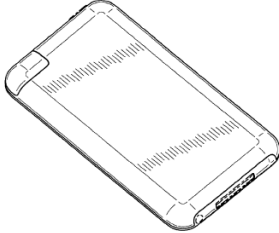

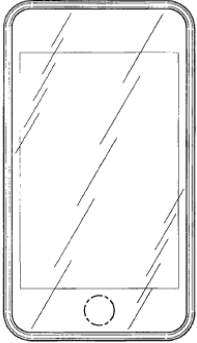

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4. The D'270 Patent

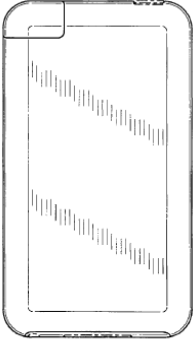

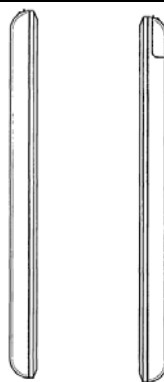





Each accused Samsung product incorporates a body and front face that are substantially the same in overall visual appearance as the design claimed in the D'270 Patent.

a. Samsung Galaxy S i9000

D'270 Patent Claim	Samsung Galaxy S i9000
 <p style="text-align: center;">FIG. 1</p>	
 <p style="text-align: center;">FIG. 2</p>	
 <p style="text-align: center;">FIG. 3</p>	

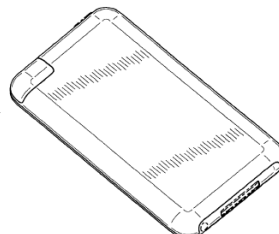
**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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D'270 Patent Claim	Samsung Galaxy S i9000
 <p style="text-align: center;">FIG. 4</p>	
 <p style="text-align: center;">FIG. 5 FIG. 6</p>	
 <p style="text-align: center;">FIG. 7</p>  <p style="text-align: center;">FIG. 8</p>	
 <p style="text-align: center;">FIG. 9</p>	

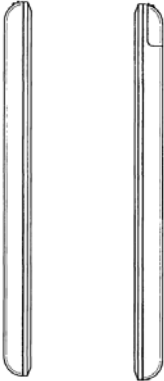
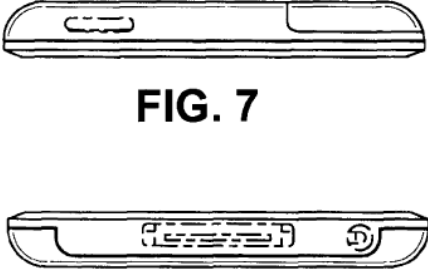


**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

b. Samsung Galaxy S 4G

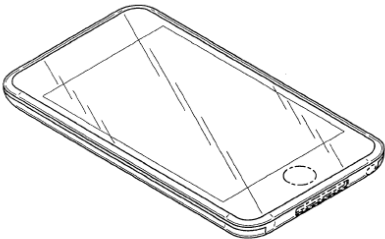

D'270 Patent Claim	Samsung Galaxy S 4G
 <p style="text-align: center;">FIG. 1</p>	
 <p style="text-align: center;">FIG. 2</p>	
 <p style="text-align: center;">FIG. 3</p>	
 <p style="text-align: center;">FIG. 4</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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D'270 Patent Claim	Samsung Galaxy S 4G
 <p align="center">FIG. 5 FIG. 6</p>	
 <p align="center">FIG. 7</p> <p align="center">FIG. 8</p>	
 <p align="center">FIG. 9</p>	

c. Samsung Vibrant

D'270 Patent Claim	Samsung Vibrant
 <p align="center">FIG. 1</p>	

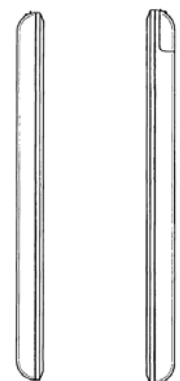






**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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D'270 Patent Claim	Samsung Vibrant
 <p style="text-align: center;">FIG. 2</p>	
 <p style="text-align: center;">FIG. 3</p>	
 <p style="text-align: center;">FIG. 4</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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D'270 Patent Claim	Samsung Vibrant
 <p style="text-align: center;">FIG. 5 FIG. 6</p>	
 <p style="text-align: center;">FIG. 7</p>  <p style="text-align: center;">FIG. 8</p>	
 <p style="text-align: center;">FIG. 9</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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5. The D'790 Patent

Each accused Samsung product incorporates an array of icons that is substantially the same in overall visual appearance as the design claimed in the D'790 Patent.

a. Samsung Captivate

D'790 Patent Claim	Samsung Captivate
 <p style="text-align: center;">FIGURE</p>	

b. Samsung Continuum

D'790 Patent Claim	Samsung Continuum
 <p style="text-align: center;">FIGURE</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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c. Samsung Droid Charge

D'790 Patent Claim	Samsung Droid Charge
 <p style="text-align: center;">FIGURE</p>	

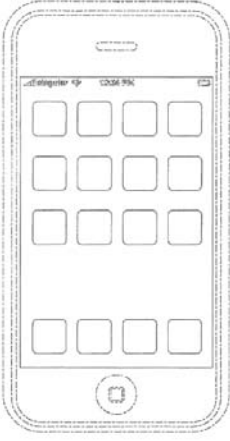

d. Samsung Epic 4G

D'790 Patent Claim	Samsung Epic 4G
 <p style="text-align: center;">FIGURE</p>	

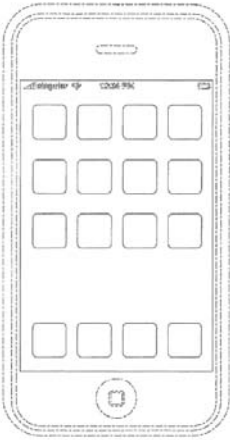

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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e. Samsung Fascinate

D'790 Patent Claim	Samsung Fascinate
 <p style="text-align: center;">FIGURE</p>	

f. Samsung Gem

D'790 Patent Claim	Samsung Gem
 <p style="text-align: center;">FIGURE</p>	

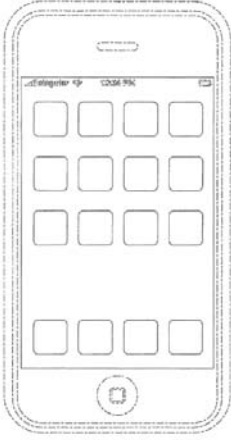

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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g. Samsung Galaxy S i9000

D'790 Patent Claim	Samsung Galaxy S i9000
 <p style="text-align: center;">FIGURE</p>	

h. Samsung Galaxy S 4G

D'790 Patent Claim	Samsung Galaxy S 4G
 <p style="text-align: center;">FIGURE</p>	

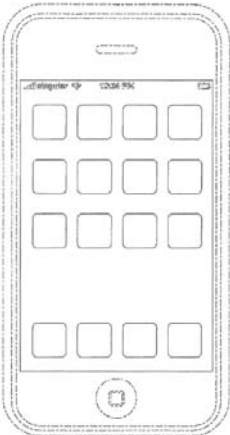

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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i. Samsung Indulge

D'790 Patent Claim	Samsung Indulge
 <p style="text-align: center;">FIGURE</p>	

j. Samsung Infuse 4G

D'790 Patent Claim	Samsung Infuse 4G
 <p style="text-align: center;">FIGURE</p>	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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k. Samsung Mesmerize

D'790 Patent Claim	Samsung Mesmerize
 <p style="text-align: center;">FIGURE</p>	

l. Samsung Showcase Galaxy S

D'790 Patent Claim	Samsung Showcase Galaxy S
 <p style="text-align: center;">FIGURE</p>	

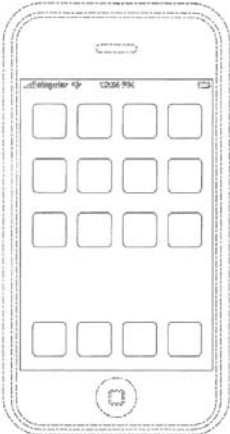

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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m. Samsung Showcase i500

D'790 Patent Claim	Samsung Showcase i500
 <p style="text-align: center;">FIGURE</p>	

n. Samsung Vibrant

D'790 Patent Claim	Samsung Vibrant
 <p style="text-align: center;">FIGURE</p>	

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

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6. The D'334 Patent⁴

Each accused Samsung product incorporates an array of icons that is substantially the same in overall visual appearance as the design claimed in the D'334 Patent.

a. Samsung Captivate

D'334 Patent Claim	Samsung Captivate
	

⁴ In the charts below with respect to the D'334 patent, only one figure is presented out of the eight figures in the design patent. Each figure in the design patent is substantially the same, and the comparison herein applies equally to each figure...


**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

1
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b. Samsung Continuum

D'334 Patent Claim	Samsung Continuum
	

c. Samsung Droid Charge

D'334 Patent Claim	Samsung Droid Charge
	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

d. Samsung Epic 4G

D'334 Patent Claim	Samsung Epic 4G
	

e. Samsung Fascinate

D'334 Patent Claim	Samsung Fascinate
	

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

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f. Samsung Gem

D'334 Patent Claim	Samsung Gem
	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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g. Samsung Galaxy S i9000

D'334 Patent Claim	
	

h. Samsung Galaxy S 4G

D'334 Patent Claim	Samsung Galaxy S 4G
	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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i. Samsung Indulge

D'334 Patent Claim	Samsung Indulge
	

j. Samsung Infuse 4G

D'334 Patent Claim	Samsung Infuse 4G
	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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k. Samsung Mesmerize

D'334 Patent Claim	Samsung Mesmerize
	

l. Samsung Showcase Galaxy S

D'334 Patent Claim	Samsung Showcase Galaxy S
	

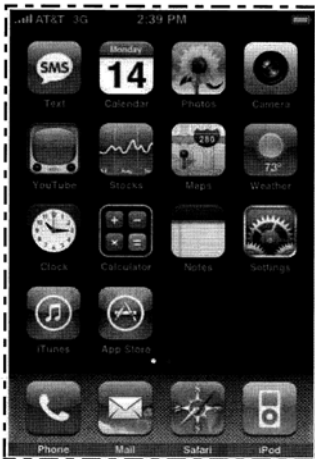

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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m. Samsung Showcase i500

D'334 Patent Claim	Samsung Showcase i500
	

n. Samsung Vibrant

D'334 Patent Claim	Samsung Vibrant
	

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

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7. The D’305 Patent⁵

Each accused Samsung product incorporates an array of icons that is substantially the same in overall visual appearance as the design claimed in the D’305 Patent.

a. Samsung Captivate

D’305 Patent Claim	Samsung Captivate
	

⁵ In the charts below with respect to the D’305 patent, only one figure is presented out of the two figures in the design patent. Each figure in the design patent is substantially the same, and the comparison herein applies equally to each figure.

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

1
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b. Samsung Continuum

D'305 Patent Claim	Samsung Continuum
	

c. Samsung Droid Charge

D'305 Patent Claim	Samsung Droid Charge
	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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d. Samsung Epic 4G

D'305 Patent Claim	Samsung Epic 4G
	

e. Samsung Fascinate

D'305 Patent Claim	Samsung Fascinate
	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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f. Samsung Gem

D'305 Patent Claim	Samsung Gem
	

g. Samsung Galaxy S i9000

D'305 Patent Claim	Samsung Galaxy S i9000
	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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h. Samsung Galaxy S 4G

D'305 Patent Claim	Samsung Galaxy S 4G
 A screenshot of a mobile phone home screen with a black background and a grid of 16 application icons. The icons are arranged in four rows and four columns. The top row includes SMS, Calendar (showing '6'), Photos, and Camera. The second row includes YouTube, Stocks, Maps, and Weather. The third row includes Clock, Calculator, Notes, and Settings. The bottom row includes Phone, Mail, Safari, and iPod. The status bar at the top shows 'AT&T' and '4:00 PM'.	 A photograph of a Samsung Galaxy S 4G smartphone. The screen displays a home screen with a grid of application icons. The top status bar shows 'T-Mobile' and '4:58 PM'. The icons include Facebook, Files, Gallery, Gmail, Gogo, Google Search, HD Camcorder, Inception, Kindle, Latitude, Layer, Maps, Market, Media Hub, Memo, and Mini Diary. The dock at the bottom contains Phone, Contacts, Messaging, and Home. The Samsung logo is visible at the bottom of the screen.

i. Samsung Indulge

D'305 Patent Claim	Samsung Indulge
 A screenshot of a mobile phone home screen with a black background and a grid of 16 application icons. The icons are arranged in four rows and four columns. The top row includes SMS, Calendar (showing '6'), Photos, and Camera. The second row includes YouTube, Stocks, Maps, and Weather. The third row includes Clock, Calculator, Notes, and Settings. The bottom row includes Phone, Mail, Safari, and iPod. The status bar at the top shows 'AT&T' and '4:00 PM'.	 A photograph of a Samsung Indulge smartphone. The screen displays a home screen with a grid of application icons. The top status bar shows 'metroPCS' and '12:49 PM'. The icons include Maps, Market, Memo, Metro BACKUP, Metro411, MetroPCS Easy SMS, MetroWEB, MocoSpace, Music Player, My Files, MyExtras, MySpace, Navigation, Places, Settings, and Talk. The dock at the bottom contains Phone, Contacts, Messaging, and Home. The Samsung logo is visible at the bottom of the screen.

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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j. Samsung Infuse 4G

D'305 Patent Claim	Samsung Infuse 4G
	

k. Samsung Mesmerize

D'305 Patent Claim	Samsung Mesmerize
	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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I. Samsung Showcase Galaxy S

D'305 Patent Claim	Samsung Showcase Galaxy S
	

m. Samsung Showcase i500

D'305 Patent Claim	Samsung Showcase i500
	

**SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION**

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n. Samsung Vibrant

D'305 Patent Claim	Samsung Vibrant
	

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 the extent such patents are substantially embodied in chipsets that Apple buys from licensed
2 suppliers authorized by Samsung to sell such chipsets for incorporation into Apple's products;
3 (b) Apple is impliedly licensed to sell products, as to which Samsung was involved and
4 acquiesced for many years in their production without claiming infringement; and (c) Apple is
5 licensed or, in the alternative, has the right to a FRAND license to Samsung's Declared Essential
6 Patents in Suit by virtue of Samsung's FRAND commitments; (iv) acting unfairly and
7 unreasonably towards and discriminating against Apple in its licensing practices because Apple
8 owns designs, trade dress, trademarks, and non standards-essential patents that Samsung wishes
9 to infringe with impunity.

10 Apple reserves the right to supplement and/or amend its response as appropriate.

11 **INTERROGATORY NO. 80:**

12 IDENTIFY with particularity all alleged trade dresses that YOU claim are infringed by
13 SAMSUNG, including each and every element alleged to be a component thereof.

14 **RESPONSE TO INTERROGATORY NO. 80**

15 Apple objects to this Interrogatory as unduly burdensome, overbroad, and impracticable
16 to the extent that it requests Apple to state "all facts" supporting Apple's contention "fully and in
17 detail," especially given the late date in the discovery period at which this Interrogatory was
18 propounded. Apple further objects to this Interrogatory to the extent it seeks information that:
19 (i) would require Apple to draw a legal conclusion to respond; (ii) is outside of Apple's
20 possession, custody, or control; (iii) can be obtained as easily by Samsung, is already in
21 Samsung's possession, or is publicly available; or (iv) is subject to a confidentiality or
22 nondisclosure agreement or governed by a protective order preventing its production.

23 Subject to and incorporating its General Objections and its specific objections, Apple
24 responds as follows:

25 The trade dress Apple alleges are infringed by Samsung are as follows:
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SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 The “Original iPhone Trade Dress,” which means the following elements of Apple’s
2 product designs: a rectangular product with four evenly rounded corners; a flat clear surface
3 covering the front of the product; the appearance of a metallic bezel around the flat clear surface;
4 a display screen under the clear surface; under the clear surface, substantial black borders above
5 and below the display screen and narrower black borders on either side of the screen; when the
6 device is on, a matrix of colorful square icons with evenly rounded corners within the display
7 screen; and when the device is on, a bottom dock of colorful square icons with evenly rounded
8 corners set off from the other icons on the display, which does not change as other pages of the
9 user interface are viewed.

10 The “iPhone 3G Trade Dress,” which means the following elements of Apple’s product
11 designs: a rectangular product with four evenly rounded corners; a flat clear surface covering the
12 front of the product; the appearance of a metallic bezel around the flat clear surface; a display
13 screen under the clear surface; under the clear surface, substantial black borders above and below
14 the display screen and narrower black borders on either side of the screen; when the device is on,
15 a row of small dots on the display screen; when the device is on, a matrix of colorful square
16 icons with evenly rounded corners within the display screen; and when the device is on, a bottom
17 dock of colorful square icons with evenly rounded corners set off from the other icons on the
18 display, which does not change as other pages of the user interface are viewed.

19 The “iPhone 4 Trade Dress,” which means the following elements of Apple’s product
20 designs: a rectangular product with four evenly rounded corners; a flat clear surface covering the
21 front of the product; a display screen under the clear surface; under the clear surface, substantial
22 neutral (black or white) borders above and below the display screen and narrower black borders
23 on either side of the screen; a thin metallic band around the outside edge of the phone; when the
24 device is on, a row of small dots on the display screen; when the device is on, a matrix of
25 colorful square icons with evenly rounded corners within the display screen; and when the device
26

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 is on, a bottom dock of colorful square icons with evenly rounded corners set off from the other
2 icons on the display, which does not change as other pages of the user interface are viewed.

3 The “iPhone Trade Dress,” which means the following elements of Apple’s product
4 designs: a rectangular product with four evenly rounded corners; a flat clear surface covering the
5 front of the product; a display screen under the clear surface; under the clear surface, substantial
6 neutral (black or white) borders above and below the display screen and narrower neutral borders
7 on either side of the screen; when the device is on, a matrix of colorful square icons with evenly
8 rounded corners within the display screen; and when the device is on, a bottom dock of colorful
9 square icons with evenly rounded corners set off from the other icons on the display, which does
10 not change as other pages of the user interface are viewed.

11 The “iPad Trade Dress,” which means the following elements of Apple’s product
12 designs: a rectangular product with four evenly rounded corners; a flat clear surface covering the
13 front of the product; the appearance of a metallic rim around the flat clear surface; a display
14 screen under the clear surface; under the clear surface, substantial neutral (black or white)
15 borders on all sides of the display screen; and when the device is on, a matrix of colorful square
16 icons with evenly rounded corners within the display screen.

17 The “iPad 2 Trade Dress” means the following elements of Apple’s product designs: a
18 rectangular product with four evenly rounded corners; a flat clear surface covering the front of
19 the product; the appearance of a metallic rim around the clear flat surface; a display screen under
20 the clear surface; under the clear surface, substantial neutral (black or white) borders on all sides
21 of the display screen; and when the device is on, a matrix of colorful square icons with evenly
22 rounded corners within the display screen.

23 The trade dress registered in U.S. Trademark Reg. No. 3,470,983, which consists of the
24 image shown in the registration, is described as follows in the trademark registration: The
25 color(s) black, blue, brown, brown-gray, gray-green, green, orange, red, silver, tan, white and
26 yellow is/are claimed as a feature of the mark. The mark consists of the configuration of a
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SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 rectangular handheld mobile digital electronic device with rounded silver edges, a black face,
2 and an array of 16 square icons with rounded edges. The top 12 icons appear on a black
3 background, and the bottom 4 appear on a silver background. The first icon depicts the letters
4 “SMS” in green inside a white speech bubble on a green background; the second icon is white
5 with a thin red stripe at the top; the third icon depicts a sunflower with yellow petals, a brown
6 center, and a green stem in front of a blue sky; the fourth icon depicts a camera lens with a black
7 barrel and blue glass on a silver background; the fifth icon depicts a tan television console with
8 brown knobs and a gray-green screen; the sixth icon depicts a white graph line on a blue
9 background; the seventh icon depicts a map with yellow and orange roads, a pin with a red head,
10 and a red-and- blue road sign with the numeral “280” in white; the eighth icon depicts an orange
11 sun on a blue background, with the temperature in white; the ninth icon depicts a white clock
12 with black and red hands and numerals on a black background; the tenth icon depicts three
13 brown-gray circles and one orange circle on a black background with a white border, with the
14 mathematical symbols for addition, subtraction, multiplication, and the equal sign displayed in
15 white on the circles; the eleventh icon depicts a portion of a yellow notepad with blue and red
16 ruling, with brown binding at the top; the twelfth icon depicts three silver gears over a thatched
17 black-and-silver background; the thirteenth icon depicts a white telephone receiver against a
18 green background; the fourteenth icon depicts a white envelope over a blue sky with white
19 clouds; the fifteenth icon depicts a white compass with a white- and-red needle over a blue map;
20 the sixteenth icon depicts the distinctive configuration of applicant's media player device in
21 white over an orange background.
22

23 The trade dress registered in U.S. Trademark Reg. No. 3,457,218, which consists of the
24 image shown in the registration, is described as follows in the trademark registration: Color is
25 not claimed as a feature of the mark. The mark consists of the configuration of a rectangular
26 handheld mobile digital electronic device with rounded corners. The matter shown in broken
27 lines is not part of the mark.

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 The trade dress registered in U.S. Trademark Reg. No. 3,475,327, which consists of the
2 image shown in the registration, is described as follows in the trademark registration: The
3 color(s) gray, silver and black is/are claimed as a feature of the mark. The mark consists of the
4 configuration of a handheld mobile digital electronic device. The material shown in dotted lines,
5 namely, the buttons and openings on the device show the position of the mark in relation to the
6 device and are not considered a part of the mark. The color gray appears as a rectangle at the
7 front, center of the device. The color black appears on the front of the device above and below
8 the gray rectangle and on the curved corners of the device. The color silver appears as the outer
9 border and sides of the device. The color white is shown solely to identify placement of the
10 mark and is not claimed as a part of the mark.
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SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

1 Dated: March 10, 2012

/s/ Mark D. Selwyn
Mark D. Selwyn (SBN 244180)
(mark.selwyn@wilmerhale.com)
WILMER CUTLER PICKERING
HALE AND DORR LLP
950 Page Mill Road
Palo Alto, California 94304
Telephone: (650) 858-6000
Facsimile: (650) 858-6100

6 William F. Lee (admitted *pro hac vice*)
(william.lee@wilmerhale.com)
7 WILMER CUTLER PICKERING
8 HALE AND DORR LLP
60 State Street
Boston, Massachusetts 02109
9 Telephone: (617) 526-6000
10 Facsimile: (617) 526-5000

11 Harold J. McElhinny (SBN 66781)
(HMcElhinny@mofo.com)
12 Michael A. Jacobs (SBN 111664)
(MJacobs@mofo.com)
13 Richard S.J. Hung (CA SBN 197425)
rhung@mofo.com
14 MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105
15 Telephone: (415) 268-7000
16 Facsimile: (415) 268-7522

17 Attorneys for Plaintiff and
18 Counterclaim-Defendant Apple Inc.

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

CERTIFICATE OF SERVICE

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2
3 The undersigned hereby certifies that a true and correct copy of the above and foregoing
4 document has been served on March 10, 2012 by electronic mail upon the following:

5 Charles Kramer Verhoeven (Cal. Bar No. 170151)
6 (charlesverhoeven@quinnemanuel.com)
7 Quinn Emanuel Urquhart & Sullivan LLP
8 50 California Street, 22nd Floor
9 San Francisco, California 94111
10 Telephone: (415) 875-6600
11 Facsimile: (415) 875-7600

12 Kevin P.B. Johnson (Cal. Bar No. 177129)
13 (kevinjohnson@quinnemanuel.com)
14 Victoria F. Maroulis (Cal. Bar No. 202603)
15 (victoriamaroulis@quinnemanuel.com)
16 Quinn Emanuel Urquhart & Sullivan LLP
17 555 Twin Dolphin Drive 5th Floor
18 Redwood Shores, California 94065
19 Telephone: (650) 801-5000
20 Facsimile: (650) 801-5100

21 Edward J. DeFranco (Cal. Bar No. 165596)
22 (eddefranco@quinnemanuel.com)
23 Quinn Emanuel Urquhart & Sullivan LLP
24 51 Madison Avenue, 22nd Floor
25 New York, New York 10010
26 Telephone: (212) 849-7000
27 Facsimile: (212) 849-7100

28 Michael T. Zeller (Cal. Bar No. 196417)
(michaelzeller@quinnemanuel.com)
Quinn Emanuel Urquhart & Sullivan LLP
865 S. Figueroa St., 10th Floor
Los Angeles, California 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

/s/ Mark. D Selwyn

Mark D. Selwyn