

# Exhibit J

# iPhone 3G Trade Dress



- a rectangular product with four evenly rounded corners
- a flat clear surface covering the front of the product
- the appearance of a metallic bezel around the flat clear surface
- a display screen under the clear surface
- under the clear surface, substantial black borders above and below the display screen and narrower black borders on either side of the screen
- when the device is on, a row of small dots on the display screen
- when the device is on, a matrix of colorful square icons with evenly rounded corners within the display screen
- when the device is on, a bottom dock of colorful square icons with evenly rounded corners set off from the other icons on the display, which does not change as other pages of the user interface are viewed

# Acquired Distinctiveness Factors

## *Secondary Meaning*

- The extent and manner of Apple's advertising for the trade dresses
- The length and manner of Apple's use of the trade dresses
- Actual recognition (or consumer perception) of the trade dresses
- Whether Samsung copied Apple's trade dresses

## **Fame Factors**

### ***Dilution***

- The duration, extent and geographic reach of advertising and publicity of the trade dresses, whether advertised or publicized by the owner or third parties
- The amount, volume, and geographic extent of sales of goods offered under the trade dresses
- The extent of actual recognition of the trade dresses
- Whether the trade dresses were registered on the principal register

# Internal Samsung Document Holding Out iPhone as Standard

Plaintiff's Exhibit No. 36.119

Recommendations

## Key takeaways



Highly limited, one product currently, but great operation efficiency.

Sets the standard for screen centric design.

Easy to use, sexy to use UI is the lynch pin of iPhone's success.

Hardware doesn't support full media capabilities, but applications and iTunes integration are excellent.

Single platform focus drives operation efficiency

Drives ARPU/subs, but integrated system threatens carrier upside

NOKIA

Limit product line late

SAMSUNG

Wide product clear cont input



### "sets the standard for screen centric design"

Implications

Lineup diversity is a clear competitive differentiator, but need platform efficiency

Opportunity to assert style leadership in touch through distinctive offerings with some synergies.

Addressing UI improvement is an entry requirement for success in touch.

Critical to drive software/service value add to match competitors in touch environment.

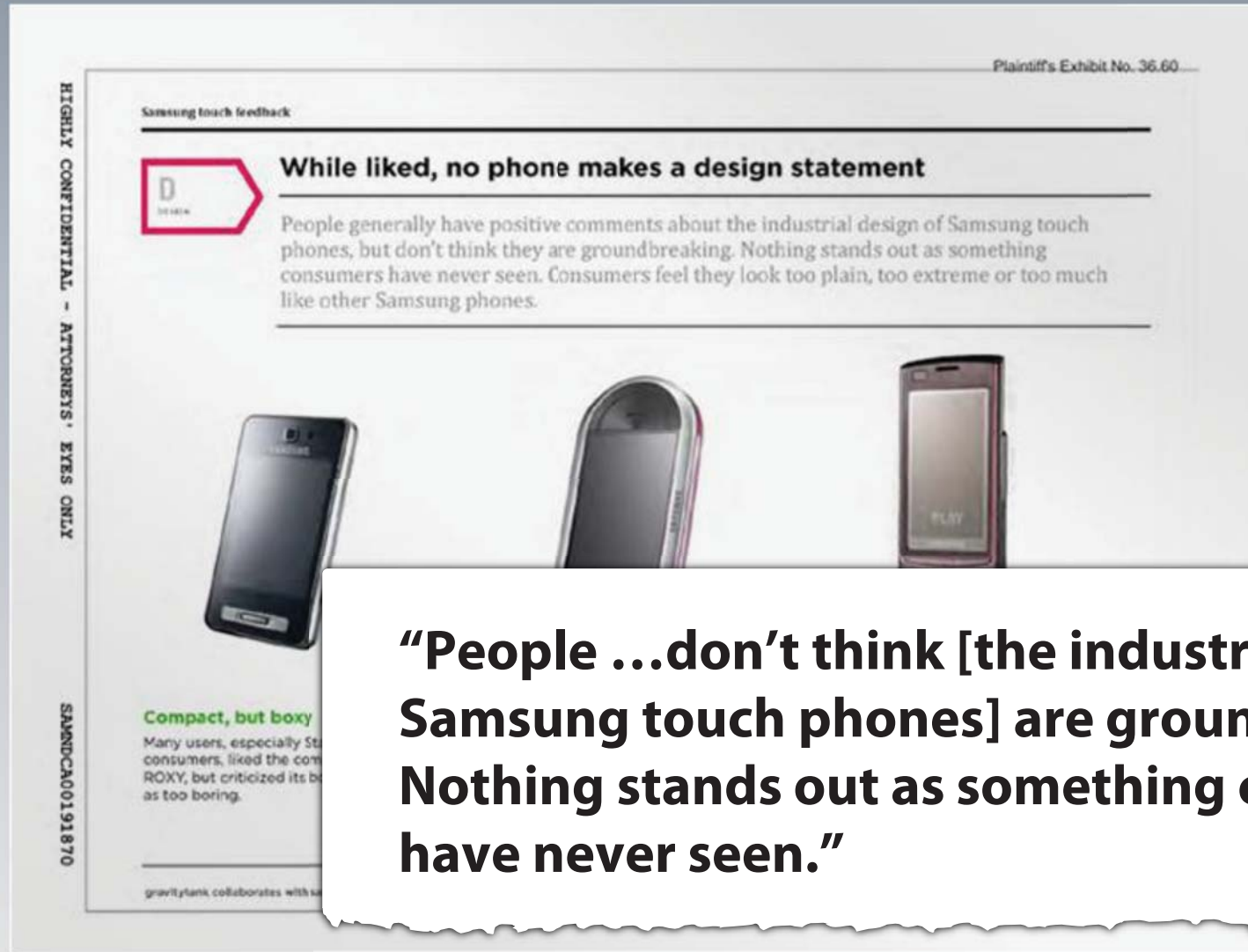
Reduced platforms drive efficiency and optimized experience

Develop business model & app strategy that includes carriers

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

SMNDC00191929

# Internal Samsung Document Holding Out iPhone as Standard



## ***Sleekcraft Factors***

### ***“Likelihood of Confusion” iPad/iPad 2 Trade Dress***

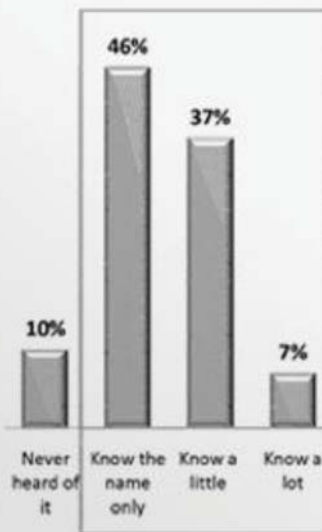
- Strength of the trade dress
- Proximity of the goods
- Similarity of the trade dresses
- Evidence of actual confusion
- Marketing channels used
- Types of goods and the degree of care likely to be exercised by the purchaser
- Defendant’s intent in selecting the trade dress

# Internal Samsung Document Samsung Q4 '10 Deep Dive

Plaintiff's Exhibit No. 56.30

The iPad is by far still the most recognized product on the market

Knowledge of Tablet Category



Aided Awareness of Tablet products



**“The iPad is by far still the most recognized product on the market.”**

Highly Confidential - Attorneys' Eyes Only

SAMNDCA00526916

SAMSUNG  
mob!le

Samsung Telecommunications America. All Rights Reserved. Confidential and Proprietary.

STA

30

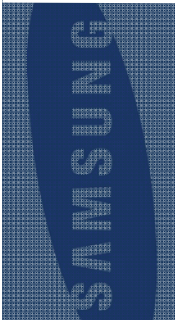
PX 56

PDX 28.18



## Dilution by Blurring Factors

- The degree of similarity between the trade dresses
- The degree of inherent or acquired distinctiveness of the famous trade dress
- The degree of recognition of the famous trade dress
- Whether the junior user of the trade dress intended to create an association with the famous trade dress
- Any actual association between the trade dresses



Fujitsu Q550



HP "Touchpad"



HP "Opal"



ViewPad 7x



Toshiba Thrive



LG G-Slate



Acer Iconia



Galaxy Tab 10.1



Vizio



Sony S1

Images from Apple internal e-mail from July 7, 2011 titled "Tablet Competitive Update" (Exh. 710)