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

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

APPLE INC., a California corporation,  
  
Plaintiff,  
  
v.  
  
SAMSUNG ELECTRONICS CO., LTD., a  
Korean corporation; SAMSUNG  
ELECTRONICS AMERICA, INC., a New  
York corporation; and SAMSUNG  
TELECOMMUNICATIONS AMERICA,  
LLC, a Delaware limited liability company,

CASE NO. 12-cv-00630-LHK (PSG)  
  
**APPLE INC.'S DISCLOSURE OF  
ASSERTED CLAIMS &  
INFRINGEMENT CONTENTIONS**  
  
Judge: Hon. Lucy H. Koh

Defendants.

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SAMSUNG ELECTRONICS CO., LTD., a  
Korean corporation; SAMSUNG  
ELECTRONICS AMERICA, INC., a New  
York corporation, and SAMSUNG  
TELECOMMUNICATIONS AMERICA,  
LLC, a Delaware limited liability company,

Counterclaim-Plaintiffs,  
  
v.  
  
APPLE INC., a California corporation,  
  
Counterclaim-Defendant.

1 Pursuant to Patent Local Rules 3-1 and 3-2, Plaintiff Apple Inc. (“Apple”) hereby submits the  
2 following Disclosure of Asserted Claims and Infringement Contentions.

3 Discovery is far from complete, and Apple is still seeking information from Samsung that  
4 may affect Apple’s infringement contentions. Not all information about the Accused  
5 Instrumentalities is publicly available. Further still, Apple understands that Samsung intends to  
6 release products in the near future that infringe the asserted claims.

7 As such, Apple’s investigation into the extent of infringement by Samsung is ongoing, and  
8 Apple makes these disclosures based on its current knowledge. In light of the foregoing, Apple  
9 reserves the right to supplement or amend these disclosures as further facts are revealed during the  
10 course of this litigation.

11 **I. DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

12 **A. Patent Local Rule 3-1(a) – Asserted Claims**

13 Samsung is liable under 35 U.S.C. § 271(a)-(c) and (g) for infringement of:

- 14 1. Claims 2-6, 9-12, 17-21, 23-25, 27-37 of United States Patent No.  
15 8,074,172 (“the ’172 patent”) (infringement claim charts attached as  
16 Exhibits 1-16);
- 17 2. Claims 1-2, 4-5, 8, 11, 13-17, 20, 22-24 and 26 of United States Patent  
18 No. 5,666,502 (“the ’502 patent”) (infringement claim charts attached  
19 as Exhibits 17-35);
- 20 3. Claims 1-2, 4, 6-7, 10-12, 14, 16-17, 20-24, 26-28 and 30-32 of United  
21 States Patent No. 7,761,414 (“the ’414 patent) (infringement claim  
22 charts attached as Exhibits 36-53);
- 23 4. Claims 1-5 and 7-22 of United States Patent No. 8,014,760 (“the ’760  
24 patent) (infringement claim charts attached as Exhibits 54-68);
- 25 5. Claims 1, 6, 11 and 16-21 of United States Patent No. 8,086,604 (“the  
26 ’604 patent”) (infringement claim charts attached as Exhibits 69-86);
- 27 6. Claims 1-15 of United States Patent No. 8,046,721 (“the ’721 patent”) (infringement claim charts attached as Exhibits 88-102);  
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1           7.     Claims 1-5, 9-12, 14-17, 19-20, 22-25, 27-30 and 32-33 of United  
2                     States Patent No. 6,847,959 (“the ’959 patent”) (infringement claim  
3                     charts attached as Exhibits 87, 103-118);

4           8.     Claims 1-2, 4, 6 and 8-9 of United States Patent No. 5,946,647 (“the  
5                     ’647 patent”) (infringement claim charts attached as Exhibits 119-137).

6           Apple’s investigation is ongoing, and Apple reserves the right to identify additional asserted  
7     claims based upon continued discovery and investigation.

8           **B. Patent Local Rule 3-1(b) – Accused Instrumentalities**

9           The following Accused Instrumentalities infringe the asserted claims:

- 10           •     Admire
- 11           •     Captivate Glide
- 12           •     Conquer 4G
- 13           •     Dart
- 14           •     Exhibit II 4G
- 15           •     Galaxy Nexus
- 16           •     Galaxy Note
- 17           •     Galaxy Player 4.0
- 18           •     Galaxy Player 5.0
- 19           •     Galaxy SII (AT&T)
- 20           •     Galaxy SII (T-Mobile)
- 21           •     Galaxy SII Epic 4G Touch
- 22           •     Galaxy SII Skyrocket
- 23           •     Galaxy SIII
- 24           •     Galaxy Tab 7.0 Plus
- 25           •     Galaxy Tab 8.9
- 26           •     Illusion
- 27           •     Stratosphere
- 28           •     Transform Ultra

1 Exhibit 139 discloses which claims of each asserted patent that each Accused Instrumentality  
2 infringes based on Apple's investigation thus far. Apple further accuses any other Samsung products  
3 that Samsung is currently developing, making and/or using, including but not limited to any newer  
4 but unreleased versions of the accused products that have been recently announced by Samsung.  
5 Accordingly, Apple reserves its right to supplement this disclosure to include any additional Samsung  
6 products it identifies through discovery and its continuing investigation. Apple further reserves the  
7 right to supplement its disclosure to include any additional information it learns about the accused  
8 Samsung products through discovery (which is in its early stages) and its continuing investigation.

9 **C. Patent Local Rule 3-1(c) – Claim Charts for the Accused Instrumentalities**

10 Attached as Exhibits 1-137 are claim charts that identify where each element of each asserted  
11 claim of the asserted patents is found within the Accused Instrumentalities, based on the information  
12 available to Apple.

13 Apple's investigation is ongoing, and Apple reserves the right to amend or supplement these  
14 claim charts based upon continued discovery and investigation.

15 **D. Patent Local Rule 3-1(d) – Indirect Infringement**

16 Samsung induces the infringement of others under 35 U.S.C. § 271(b) to the extent it  
17 contracts, instructs, or otherwise induces others to make, use, offer to sell, sell, or import the Accused  
18 Instrumentalities within or into the United States. Samsung also contributes to the infringement of  
19 others under 35 U.S.C. § 271(c) to the extent it offers to sell, sells, or imports part or all of the  
20 Accused Instrumentalities within or into the United States.

21 To the extent Samsung's direct infringement is based on joint acts of multiple parties, the role  
22 of each such party is described according to Apple's current understanding in Exhibits 1-137.  
23 Defendants infringe each method claim of the charted claims because it has performed each and  
24 every step of the charted claims, including but not limited to through testing and use by its  
25 employees. Defendants also infringe those claims by selling Accused Devices to their customers and  
26 encouraging those customers to use the products in a manner that meets each and every step of the  
27 charted claims.

28

1 Apple's investigation is ongoing, and Apple accordingly reserves the right to amend or  
2 supplement these assertions based upon continued discovery and investigation.

3 **E. Patent Local Rule 3-1(e) – Nature of Infringement**

4 Based on Apple's current understanding, each element or limitation of each asserted claim of  
5 each asserted patent is literally present in the Accused Instrumentalities, except where explicitly  
6 indicated. To the extent that any element or limitation of the asserted claims is not found to have  
7 literal correspondence in the Accused Instrumentalities, Apple alleges, on information and belief, that  
8 any such elements or limitations are present under the doctrine of equivalents in the Accused  
9 Instrumentalities.

10 **F. Patent Local Rule 3-1(f) – Priority Dates**

11 The asserted claims of the '604 patent claim priority to application no. 09/478,009 (U.S.  
12 6,847,959), filed January 5, 2002.

13 The asserted claims of the '721 patent claim priority to application no. 11/322,549 (U.S.  
14 7,657,849), filed December 23, 2005.

15 The asserted claims of the '760 patent claim priority to provisional application nos.  
16 60/879,469, filed January 8, 2007; 60/879,253, filed January 7, 2007; 60/883,782, filed January 6,  
17 2007; and 60/824,769, filed September 6, 2006.

18 The asserted claims of the '172, '647, '414, '502 and '959 patents do not "claim[] priority to  
19 an earlier application" under Patent L.R. 3-1(f).

20 For each asserted claim, Apple reserves the right to claim priority to earlier invention dates.

21 **G. Patent Local Rule 3-1(g) – Patentee's Asserted Practice of the Claimed Inventions**

22 Exhibit 140 discloses which Apple products practice the claimed inventions, under Patent  
23 L.R. 3-1(g).

24 **H. Patent Local Rule 3-1(h) – Willful Infringement**

25 The basis of Apple's claim of willful infringement is set forth in Apple's Complaint filed  
26 February 8, 2012. Samsung has intentionally copied the patented and successful features of Apple's  
27 iPhone, iPad and iPod Touch. Samsung continued to do so despite knowledge of Apple's patents  
28

1 through direct or indirect communications with Apple and/or as a result of its participation in the  
2 personal computing devices industry.

3 **II. DOCUMENT PRODUCTION ACCOMPANYING DISCLOSURES**

4 **A. Patent Local Rule 3-2(a) – Documents Evidencing Pre-Application Disclosure**

5 Apple is not presently aware of any documents responsive to this category.

6 **B. Patent Local Rule 3-2(b) – Documents Evidencing Conception and Reduction to**  
7 **Practice**

8 Copies of documents evidencing conception, reduction to practice, design and development of  
9 the claimed inventions are produced at APLNDC0001334519; APLNDC0001334521;

10 APLNDC0001334541; APLNDC0001334549; APLNDC0001334560; APLNDC0001334570;

11 APLNDC630-0000000334-337; APLNDC630-0000000587-593; APLNDC630-0000000840-841;

12 APLNDC630-0000000843-845; APLNDC630-0000001181-1282; APLNDC630-0000002266-2270;

13 APLNDC630-0000002671-2710; APLNDC630-0000002712-2724; APLNDC630-0000002775-

14 2838; APLNDC630-00008924; APLNDC630-0000009359-9361; APLNDC630-0000009365-9366;

15 APLNDC630-0000009369-9386; APLNDC630-0000009392-12011; APLNDC630-0000012023-

16 13052; APLNDC630-0000013115-13182; APLNDC630-0000013185-13189; APLNDC630-

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13 60906; APLNDC630-0000060908-60920; APLNDC630-0000060999-61002; APLNDC630-  
14 0000061003-61043; APLNDC630-0000061048-61052; APLNDC630-0000061068-61069;  
15 APLNDC630-0000061774-61775; APLNDC630-0000062324; APLNDC630-0000066012-66013;  
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17 121843; APLNDC630-0000121848-121854; APLNDC630-0000121856-121878; APLNDC630-  
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22 0000123063-123064; APLNDC630-0000123078-123094; APLNDC630-0000123106-123139;  
23 APLNDC630-0000123144-123154; APLNDC630-0000123208-123226; APLNDC630-0000123486-  
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25 0000124614-124617; APLNDC630-0000124640-124675; APLNDC630-0000124680-124681;  
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27 124802; APLNDC630-0000124887-124894; APLNDC630-0000125036-125057; APLNDC630-  
28 0000125087-125089; APLNDC630-0000125135-125170; APLNDC630-0000127159-127160;



1 APLNDC630-0000127396-127398; APLNDC630-0000128056-128057; APLNDC630-0000129007;  
 2 APLNDC630-0000129030-129046; APLNDC630-0000129173-129176; APLNDC630-0000129243-  
 3 129244; APLNDC630-0000129274-129278; APLNDC630-0000129325-129327; APLNDC630-  
 4 0000129331-129337; APLNDC630-0000129542-129562; APLNDC630-0000135090-135096;  
 5 APLNDC630-0000149212 -155757; APLNDC630-S0000149212- S0000149463; APLNDC630-  
 6 0000149606-155892; APLNDC630-0000155918-156670; APLNDC630-0000162708-163004;  
 7 APLNDC630-0000163529-167954; APL-ITC796-0000397725-397818; BONURA00000001 -  
 8 BONURA00000261; CAPPS00000001- 192; MILLER00000001– 1313; WRIGHT00000001 – 5169;  
 9 NARDI00000001 – 5.

10 In addition, Apple has produced and/or is making available for inspection certain Director  
 11 files and other electronic files embodying or otherwise relating to the conception, reduction to  
 12 practice, design, and development of the claimed inventions.

13 **C. Patent Local Rule 3-2(c) – File Histories for the Patents-in-Suit**

14 Copies of the patent file histories are produced at APLNDC630-0000039771-39919;  
 15 APLNDC630-0000040372-40855; APLNDC630-0000041187-41368; APLNDC630-0000041770-  
 16 42306; APLNDC630-0000044943-46389; APLNDC630-00000 49779-50667; APLNDC630-  
 17 0000053471-54113; APLNDC630-0000056101-56212.

18 **D. Patent Local Rule 3-2(d) – Ownership of the Patents-in-Suit**

19 Copies of documents evidencing ownership of the patent rights are produced at APLNDC630-  
 20 00000 41827; APLNDC630-00000 45510; APLNDC630-00000 49894-49899; APLNDC630-00000  
 21 53722; APLNDC630-0000056171-56172; APLNDC630-0000163005-163076; APLNDC630-  
 22 0000163483-163525.

23 **E. Patent Local Rule 3-2(e) – Patentee’s Asserted Practice of the Claimed Inventions**

24 Copies of documents showing the operation of any aspects or elements of instrumentalities  
 25 Apple relies upon as embodying the asserted claims are produced at APLNDC630-0000156671-  
 26 159332; APLNDC630-0000163077-163441. In addition, Apple is making available for inspection  
 27 Apple devices that practice and/or source code embodying the use of the claimed inventions by  
 28 Apple.

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GIBSON, DUNN & CRUTCHER LLP

Dated: June 15, 2012

By: /s/ H. Mark Lyon  
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*Attorneys for Plaintiff Apple Inc.*

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

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

APPLE INC., a California corporation,  
  
Plaintiff,  
  
vs.  
  
SAMSUNG ELECTRONICS CO., LTD., a  
Korean corporation; SAMSUNG  
ELECTRONICS AMERICA, INC., a New York  
corporation; SAMSUNG  
TELECOMMUNICATIONS AMERICA, LLC,  
a Delaware limited liability company,  
  
Defendants.  
  
SAMSUNG ELECTRONICS CO., LTD., a  
Korean corporation; SAMSUNG  
ELECTRONICS AMERICA, INC., a New York  
corporation; SAMSUNG  
TELECOMMUNICATIONS AMERICA, LLC,  
a Delaware limited liability company,  
  
Counterclaim-Plaintiffs,  
  
v.  
  
APPLE INC., a California corporation,  
  
Counterclaim-Defendant.

CASE NO. :12-cv-00630-LHK

**CERTIFICATE OF SERVICE**

1 I, Angela L. Wilkins, hereby certify that on this 15th day of June 2012, I did cause the  
2 following documents to be served in the following manner:

3  
4 **Amended Disclosure of Asserted Claims and Infringement Contentions**

5 on the interested parties in this action addressed as follows:

6 **ATTORNEYS FOR SAMSUNG ELECTRONICS CO.,**  
7 **LTD., SAMSUNG ELECTRONICS AMERICA, INC. and**  
8 **SAMSUNG TELECOMMUNICATIONS AMERICA, LLC**

9 Patrick Shields  
10 Victoria F. Maroulis  
11 Charles K. Verhoeven  
12 Kevin A. Smith  
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23 **X** **BY FTP site** - by uploading PDF copies of such documents to the ftp site accessible by each  
24 such person identified above.

25 I declare that I am employed in the office of a member of the bar of this Court at whose direction the  
26 service was made.

27 Executed on June 15, 2012 in Dallas, TX.

28 Dated: June 15, 2012

Angela L. Wilkins  
Angela L. Wilkins