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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,

Defendants.

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.

CASE NO. 12-cv-00630-LHK (PSG)

**APPLE INC.'S AMENDED
DISCLOSURE OF ASSERTED CLAIMS
& INFRINGEMENT CONTENTIONS**

Judge: Hon. Lucy H. Koh

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, and 144);
- 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, and 145);
- 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 and 143);

- 1 6. Claims 1-15 of United States Patent No. 8,046,721 (“the ’721 patent”)
- 2 (infringement claim charts attached as Exhibits 88-102);
- 3 7. Claims 1-5, 9-12, 14-17, 19-20, 22-25, 27-30 and 32-33 of United
- 4 States Patent No. 6,847,959 (“the ’959 patent”) (infringement claim
- 5 charts attached as Exhibits 87, 103-118, and 141-142);
- 6 8. Claims 1-2, 4, 6 and 8-9 of United States Patent No. 5,946,647 (“the
- 7 ’647 patent”) (infringement claim charts attached as Exhibits 119-137,
- 8 and 146).

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

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

12 The following Accused Instrumentalities infringe the asserted claims:¹

- 13 • Admire (Metro PCS)
- 14 • Captivate Glide (AT&T)
- 15 • Conquer 4G (Sprint)
- 16 • Dart (T-Mobile)
- 17 • Galaxy Exhibit 4G/Exhibit II 4G (T-Mobile)
- 18 • Galaxy Nexus² (Sprint, Verizon, and unlocked)
- 19 • Galaxy Note (T-Mobile)
- 20 • Galaxy Note 10.1
- 21 • Galaxy Player 4.0
- 22 • Galaxy Player 5.0
- 23 • Galaxy SII (AT&T and T-Mobile)³
- 24 • Galaxy SII Epic 4G Touch (Sprint)

25 ¹ The indicated carriers and any unlocked version apply to the claim charts for each device
26 whether or not the claim charts specify a particular carrier or unlocked version.

27 ² The claim charts for the Galaxy Nexus includes both original operating system and, as
28 applicable, updates to the Jelly Bean operating system.

³ Please note that the claim charts for the Galaxy SII specify either AT&T or T-Mobile, but the
charts apply equally for AT&T and T-Mobile.

- 1 • Galaxy SII Skyrocket (AT&T)
- 2 • Galaxy SIII (AT&T, Sprint, T-Mobile, and Verizon)
- 3 • Galaxy Tab 7.0 Plus (WiFi)
- 4 • Galaxy Tab 8.9 (AT&T and WiFi)
- 5 • Illusion (Verizon)
- 6 • Stratosphere (Verizon)
- 7 • Transform Ultra (Sprint and Boost Mobile)

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

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

17 Attached as Exhibits 1-137, and 141-146 are claim charts that identify where each element of
18 each asserted claim of the asserted patents is found within the Accused Instrumentalities, based on
19 the information available to Apple.

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

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

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

28

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

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

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

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

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

18 The asserted claims of the '604 patent claim priority to application no. 09/478,009 (U.S.
19 6,847,959), filed January 5, 2002.

20 The asserted claims of the '721 patent claim priority to application no. 11/322,549 (U.S.
21 7,657,849), filed December 23, 2005.

22 The asserted claims of the '760 patent claim priority to provisional application nos.
23 60/879,469, filed January 8, 2007; 60/879,253, filed January 7, 2007; 60/883,782, filed January 6,
24 2007; and 60/824,769, filed September 6, 2006.

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

27 For each asserted claim, Apple reserves the right to claim priority to earlier invention dates.
28

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

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

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

5 The basis of Apple’s claim of willful infringement is set forth in Apple’s Complaint filed
6 February 8, 2012. Samsung has intentionally copied the patented and successful features of Apple’s
7 iPhone, iPad and iPod Touch. Samsung continued to do so despite knowledge of Apple’s patents
8 through direct or indirect communications with Apple and/or as a result of its participation in the
9 personal computing devices industry.

10 **II. DOCUMENT PRODUCTION ACCOMPANYING DISCLOSURES**

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

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

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

15 Copies of documents evidencing conception, reduction to practice, design and development of
16 the claimed inventions are produced at APLNDC0001334519; APLNDC0001334521;
17 APLNDC0001334541; APLNDC0001334549; APLNDC0001334560; APLNDC0001334570;
18 APLNDC630-0000000334-337; APLNDC630-0000000587-593; APLNDC630-0000000840-841;
19 APLNDC630-0000000843-845; APLNDC630-0000001181-1282; APLNDC630-0000002266-2270;
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27 APLNDC630-0000122793-122798; APLNDC630-0000122872-122880; APLNDC630-0000122929-
28 122992; APLNDC630-0000123027-123051; APLNDC630-0000123057-123058; APLNDC630-

1 0000123063-123064; APLNDC630-0000123078-123094; APLNDC630-0000123106-123139;
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 9 APLNDC630-0000129030-129046; APLNDC630-0000129173-129176; APLNDC630-0000129243-
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 12 APLNDC630-0000149212 -155757; APLNDC630-S0000149212- S0000149463; APLNDC630-
 13 0000149606-155892; APLNDC630-0000155918-156670; APLNDC630-0000162708-163004;
 14 APLNDC630-0000163529-167954; APL-ITC796-0000397725-397818; BONURA00000001 -
 15 BONURA00000261; CAPPS00000001- 192; MILLER00000001– 1313; WRIGHT00000001 – 1569;
 16 NARDI00000001 – 5.

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

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

21 Copies of the patent file histories are produced at APLNDC630-0000039771-39919;
 22 APLNDC630-0000040372-40855; APLNDC630-0000041187-41368; APLNDC630-0000041770-
 23 42306; APLNDC630-0000044943-46389; APLNDC630-00000 49779-50667; APLNDC630-
 24 0000053471-54113; APLNDC630-0000056101-56212.

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

26 Copies of documents evidencing ownership of the patent rights are produced at APLNDC630-
 27 00000 41827; APLNDC630-00000 45510; APLNDC630-00000 49894-49899; APLNDC630-00000

1 53722; APLNDC630-0000056171-56172; APLNDC630-0000163005-163076; APLNDC630-
2 0000163483-163525.

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

4 Copies of documents showing the operation of any aspects or elements of instrumentalities
5 Apple relies upon as embodying the asserted claims are produced at APLNDC630-0000156671-
6 159332; APLNDC630-0000163077-163441. In addition, Apple is making available for inspection
7 Apple devices that practice and/or source code embodying the use of the claimed inventions by
8 Apple.

9
10 GIBSON, DUNN & CRUTCHER LLP

11
12 Dated: October 5, 2012

By: /s/ H. Mark Lyon
H. Mark Lyon

Attorneys for Plaintiff Apple Inc.