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15

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

19 Plaintiff,

20 vs.

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

24 Defendants.
25

CASE NO. 11-cv-01846-LHK

**SAMSUNG'S OBJECTION TO APPLE'S
REQUEST FOR CORRECTION OF
DESIGN PATENT CLAIM
CONSTRUCTION ORDER**

1 Samsung Electronics Co, Ltd., Samsung Electronics America, Inc. and Samsung
 2 Telecommunication America, LLC (collectively, “Samsung”) hereby object to Apple, Inc.’s
 3 (“Apple”) Request for Correction of the Court’s Design Patent Claim Construction Order.

4 Samsung does not object to the typographical corrections to the number of figures shown in
 5 the D’087 and D’677 patents. Apple’s suggested revision to the Court’s Order as it relates to the
 6 oblique lines shown on the D’889 and D’677 designs, however, is a far cry from a “correction.” It
 7 is an improper motion for reconsideration of a substantive issue and is contrary to the plain
 8 language of MPEP 1530.02. Indeed, Apple urged this very construction in its opening claim
 9 construction brief, but the Court declined to adopt it. Dkt. 1089-3, at 3. Apple offers no
 10 legitimate grounds for reconsideration at all, so the request should be rejected on that basis alone.
 11 Apple is also wrong on the merits. As the Court properly stated, MPEP section 1530.02 (II)
 12 provides that “[o]blique line shading must be used to show transparent, translucent and highly
 13 polished or reflective surfaces.” Dkt. 1425, at 9, 10. Indeed, Apple has repeatedly cited and
 14 quoted the very MPEP section that it now attempts to quarrel with. *See, e.g.*, Dkt. 997-02, at 10
 15 (Apple citing and relying on this MPEP provision); Dkt. 1089-3, at 3 (same). Apple’s purported
 16 request for this “correction” should be denied.

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 18 DATED: July 28, 2012

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20 By /s/ Victoria Maroulis

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