

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Apple has raised two issues regarding the recent design patent claim construction. First, Apple has identified two typos regarding the number of figures that appear in the D’677 and D’087 Patents. Samsung does not object to the correction of these errors, and accordingly, the Court adopts Apple’s amendments regarding the number of figures in these two patents.

3 and Figure 9 depicts a transparent, translucent **or** highly polished or reflective surface” with respect to the D’889 patent. Samsung objects to these proposed amendments.

The phrase that Apple seeks to amend comes from the MPEP 1503.02 (II), which states that “[o]blique line shading must be used to show **transparent, translucent and highly polished or reflective surfaces**, such as a mirror.” However, the Court agrees with Apple that the current constructions for the D’677 and D’889 Patents with respect to the oblique line shading are unclear. The MPEP states that oblique line shading can be used to show a surface that is (1) transparent; (2) translucent; or (3) highly polished or reflective. Accordingly, the Court adopts Apple’s proposed amendments to the D’087, D’677, and D’889 Patents.

1. The D’087 Patent

The D’087 Patent claims the ornamental design of an electronic device as shown in Figures 1-48. The broken lines in the D’087 Patent constitute unclaimed subject matter. Thus, the D’087 Patent claims the front face, a ‘bezel encircling the front face of the patented design [that] extends from the front of the phone to its sides,’ and a flat contour of the front face, but does not claim the rest of the article of manufacture.

2. The D’677 Patent

The D’677 Patent claims the ornamental design of an electronic device as shown in Figures 1-8. The broken lines in the D’677 Patent constitute unclaimed subject matter. The use of “solid black surface shading” on the D’677 Patent represents the color black. The use of oblique line shading on the D’677 Patent is used to show a transparent, translucent, or highly polished or reflective surface.

3. The D’889 Patent

The D’889 Patent claims the ornamental design of an electronic device as shown in Figures 1-9. The broken lines depicting the human figure in figure 9 do not form a part of the claimed design. The other broken lines in the other figures are part of the claimed design. The D’889 also includes oblique line shading on several of the figures. The oblique line shading in Figures 1-3 and Figure 9 depicts a transparent, translucent, or highly polished or reflective surface from the top

perspective view of the claimed design, the top view of the claimed design, and the bottom perspective view of the claimed design.

IT IS SO ORDERED.

Dated: July 29, 2012


LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California