

# Exhibit 1

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

APPLE INC., A CALIFORNIA CORPORATION,	)	C-11-01846 LHK
	)	
PLAINTIFF,	)	SAN JOSE, CALIFORNIA
	)	JUNE 21, 2012
VS.	)	
	)	PAGES 1-108
SAMSUNG ELECTRONICS CO., LTD., A KOREAN BUSINESS ENTITY; SAMSUNG ELECTRONICS AMERICA, INC., A NEW YORK CORPORATION; SAMSUNG TELECOMMUNICATIONS AMERICA, LLC, A DELAWARE LIMITED LIABILITY COMPANY,	)	
	)	
DEFENDANTS.	)	

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE LUCY H. KOH  
UNITED STATES DISTRICT JUDGE

APPEARANCES ON NEXT PAGE

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR  
CERTIFICATE NUMBER 9595

1 SAN JOSE, CALIFORNIA

JUNE 21, 2012

2 P R O C E E D I N G S

3 (WHEREUPON, COURT CONVENED AND THE  
4 FOLLOWING PROCEEDINGS WERE HELD:)

5 THE CLERK: CALLING CASE NUMBER  
6 C-11-01846 LHK, APPLE, INCORPORATED VERSUS SAMSUNG  
7 ELECTRONICS COMPANY LIMITED, ET AL.

8 MR. MCELHINNY: GOOD AFTERNOON, YOUR  
9 HONOR. FOR THE PLAINTIFF, HAROLD MCELHINNY AND  
10 MICHAEL JACOBS.

11 MR. LEE: GOOD MORNING, YOUR HONOR. ALSO  
12 FOR APPLE, MARK SELWYN AND BILL LEE.

13 THE COURT: OKAY. GOOD AFTERNOON.

14 MR. JOHNSON: GOOD AFTERNOON, YOUR HONOR.  
15 KEVIN JOHNSON FOR SAMSUNG, AND WITH ME ARE  
16 VICKI MAROULIS AND MIKE ZELLER.

17 MR. ZELLER: GOOD AFTERNOON, YOUR HONOR.

18 THE COURT: OKAY. GOOD AFTERNOON.

19 OKAY. I HAVE QUESTIONS. SAMSUNG'S  
20 MOTION CHALLENGES ALL OF APPLE'S CAUSES OF ACTION,  
21 AND I HAVE QUESTIONS BASICALLY ON EACH.

22 LET'S START WITH THE TRADE DRESS, TRADE  
23 DRESS DILUTION ISSUE.

24 LET ME ASK, AND IF -- MR. MCELHINNY, ARE  
25 YOU HANDLING THIS ISSUE?

1 WAS -- LET ME ASK, WITH REGARD TO THE '381, WHETHER  
2 YOU HAVE THE SAME POSITION ON CONSTRUCTION OF AN  
3 "ELECTRONIC DOCUMENT," BUT YOU'RE JUST DISAGREEING  
4 HOW TO APPLY THAT CONSTRUCTION? WOULD THAT BE AN  
5 ACCURATE STATEMENT, OR NO?

6 MR. JOHNSON: I THINK THAT THERE IS SOME  
7 AGREEMENT; YET, AT THE SAME TIME, I HEAR DIFFERENT,  
8 DIFFERENT ARGUMENTS COMING FROM THEM ON WHETHER  
9 WE -- WHAT WE SAY IS ELECTRONIC DOCUMENT IS  
10 ACTUALLY MET BY WHAT THEY SAY IS AN ELECTRONIC  
11 DOCUMENT.

12 SO I HONESTLY DON'T KNOW IF THERE'S A  
13 SPECIFIC DISPUTE OR NOT.

14 WE THINK --

15 THE COURT: BUT THAT STILL SOUNDS LIKE  
16 YOU AGREE ON THE CONSTRUCTION, BUT YOU DISAGREE ON  
17 ITS APPLICATION. WHAT YOU JUST SAID, THAT'S WHAT  
18 THAT SOUNDS LIKE TO ME.

19 MR. JOHNSON: WELL, "ELECTRONIC DOCUMENT"  
20 SPECIFICALLY, IT WASN'T SPECIFICALLY ADDRESSED IN  
21 THE CONTEXT OF THE CLAIM CONSTRUCTION ORDER. IT  
22 WAS "BEYOND THE EDGE OF AN ELECTRONIC DOCUMENT."

23 SO THE ACTUAL TERM "ELECTRONIC DOCUMENT"  
24 WE THINK IS FAIRLY STRAIGHTFORWARD AND REFERS TO  
25 WEB PAGES AND DIGITAL IMAGES AS EXAMPLES OF

1 ELECTRONIC DOCUMENTS.

2 SO I DON'T THINK THERE'S A SPECIFIC  
3 DISPUTE IN THAT RESPECT.

4 THE COURT: WOULD YOU AGREE WITH THAT?

5 MR. JACOBS: I THINK THAT THAT HASN'T  
6 BEEN JOINED. THE ISSUE HAS NOT BEEN JOINED  
7 FORMALLY AS TO THE CONSTRUCTION OF "ELECTRONIC  
8 DOCUMENT."

9 I THINK BOTH SIDES HAVE ADDUCED THEIR  
10 EVIDENCE WITH IMPLICIT DEFINITIONS OF "ELECTRONIC  
11 DOCUMENT."

12 FOR EXAMPLE, IN THEIR -- IN THE CASE OF  
13 TABLECLOTH, THERE'S A QUESTION ABOUT WHETHER THE  
14 TWO IMAGES REPRESENT A SINGLE DOCUMENT OR WHETHER  
15 EACH IMAGE IS A SINGLE DOCUMENT, AND THAT CREATES  
16 PART OF A FACT ISSUE ABOUT WHETHER TABLECLOTH, AS A  
17 MATTER OF SUBSTANCE, IS ANTICIPATORY.

18 IN SHORT, I JUST DON'T THINK IT'S JOINED,  
19 YOUR HONOR.

20 THE COURT: WHAT DOES THAT MEAN --

21 MR. JOHNSON: I THINK IT --

22 THE COURT: -- THAT IT'S NOT JOINED?

23 DOES THAT MEAN IT'S NOT RIPE OR IT HASN'T --

24 MR. JOHNSON: WELL, I THINK HE'S SAYING  
25 THERE IS A DISPUTE, BECAUSE I THINK HE'S SAYING

1 ON THAT. FOR EXAMPLE, THEY ARGUE -- APPLE ARGUES  
2 THAT A SCREEN THAT HAS MULTIPLE PHOTOGRAPHS ON IT  
3 IS AN ELECTRONIC DOCUMENT.

4 SO THE QUESTION IS, WHERE DO YOU DRAW THE  
5 BOUNDARIES AROUND ELECTRONIC DOCUMENT?

6 AND ULTIMATELY I THINK THE ONLY WAY TO DO  
7 IT IS TO COME UP WITH EXAMPLES, TO SAY IT IS THIS,  
8 IT IS NOT THIS.

9 MR. JACOBS: AND I THINK THE POSITION IS  
10 BEING SOMEWHAT OVERSIMPLIFIED.

11 AN ELECTRONIC DOCUMENT THAT CONTAINS  
12 MULTIPLE IMAGES IS AN ELECTRONIC DOCUMENT. THAT  
13 DOESN'T MEAN THAT EVERY REPRESENTATION ON A SCREEN  
14 OF MULTIPLE IMAGES IS A SINGLE ELECTRONIC DOCUMENT.

15 MR. JOHNSON: WE, FRANKLY, COULD LIVE  
16 WITH THE PORTION OF THE CLAIM CONSTRUCTION ORDER  
17 WHICH BASICALLY SAYS, QUOTE, "UNDER THE EXPRESS  
18 LANGUAGE OF THE CLAIMS, WEB PAGES AND DIGITAL  
19 IMAGES ARE EXAMPLES OF ELECTRONIC DOCUMENTS."

20 WE BELIEVE THAT THAT'S SUFFICIENT AND  
21 THAT COVERS MULTIPLE IMAGES.

22 MR. JACOBS: NOT REALLY.

23 THE COURT: WELL --

24 MR. JACOBS: AND YOU CAN SEE EXACTLY WHY.

25 BUT I THINK ACTUALLY, WHAT WE SHOULD DO,

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CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT  
REPORTER OF THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH  
FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY  
CERTIFY:

THAT THE FOREGOING TRANSCRIPT,  
CERTIFICATE INCLUSIVE, CONSTITUTES A TRUE, FULL AND  
CORRECT TRANSCRIPT OF MY SHORTHAND NOTES TAKEN AS  
SUCH OFFICIAL COURT REPORTER OF THE PROCEEDINGS  
HEREINBEFORE ENTITLED AND REDUCED BY COMPUTER-AIDED  
TRANSCRIPTION TO THE BEST OF MY ABILITY.

/s/

\_\_\_\_\_  
LEE-ANNE SHORTRIDGE, CSR, CRR  
CERTIFICATE NUMBER 9595