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

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION
16

17 APPLE INC., a California corporation,

18 Plaintiff,

19 v.

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

23 Defendants.
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25 SAMSUNG ELECTRONICS CO., LTD., a
Korean corporation; SAMSUNG
26 ELECTRONICS AMERICA, INC., a New
York corporation, and SAMSUNG
27 TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,
28

Counterclaim-Plaintiffs,

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

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

Judge: Hon. Lucy H. Koh

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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 this
2 Fourth Amended Disclosure of Asserted Claims and Infringement Contentions for U.S. Patent Nos.
3 5,666,502; 5,946,647; 6,847,959; 7,761,414; 8,014,760; 8,046,721; 8,074,172; and 8,086,604 (the
4 “Apple Patents”).

5 Apple is still seeking information from Samsung and third parties that may affect Apple’s
6 infringement contentions. Not all information about the accused instrumentalities is publicly
7 available. 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)-(c) – Identification of Infringed Claims and Accused** 13 **Instrumentalities**

14 On June 15, 2012, Apple timely served its Disclosure of Asserted Claims & Infringement
15 Contentions (“Infringement Contentions”) on Samsung. On October 5, 2012, Apple served its
16 Amended Disclosure of Asserted Claims & Infringement Contentions (“First Amended Infringement
17 Contentions”) on Samsung to account for various amendments. On November 15, 2012, this Court
18 granted Apple’s Motion for Leave to Amend its Infringement Contentions. *See* Dkt. No. 302.
19 Pursuant the Court’s Order, additional infringement charts were served on November 21, 2012. On
20 November 23, 2012, Apple served its Second Amended Disclosure of Asserted Claims &
21 Infringement Contentions (“Second Amended Infringement Contentions”). On November 30, 2012,
22 Apple served its Third Amended Disclosure of Asserted Claims & Infringement Contentions (“Third
23 Amended Infringement Contentions”). On April 22, 2013, Apple submitted its Case Narrowing
24 Statement, dismissing without prejudice certain claims of the Apple Patent and identifying the
25 twenty-two accused products. *See* Dkt. No. 467.

26 Through this Fourth Amended Disclosure of Asserted Claims & Infringement Contentions
27 (“Fourth Amended Infringement Contentions”), Apple hereby supplements its Infringement
28 Contentions, First Amended Infringement Contentions, Second Amended Infringement Contentions,

1 and Third Amended Infringement Contentions to provide the information required by Patent Local
2 Rule 3-1 (a)-(d) as set forth in the following exhibits:

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4	Exhibit A	Infringement by the Accused Products of U.S. Patent No. 5,666,502
5	Exhibit B	Infringement by the Accused Products of U.S. Patent No. 5,946,647
6	Exhibit C	Infringement by the Accused Products of U.S. Patent No. 6,847,959
7	Exhibit D	Infringement by the Accused Products of U.S. Patent No. 7,761,414
8	Exhibit E	Infringement by the Accused Products of U.S. Patent No. 8,014,760
9	Exhibit F	Infringement by the Accused Products of U.S. Patent No. 8,046,721
10	Exhibit G	Infringement by the Accused Products of U.S. Patent No. 8,074,172
11	Exhibit H	Infringement by the Accused Products of U.S. Patent No. 8,086,604

12 The amended infringement contentions set forth in Exhibits A through H hereto and in any
13 supplemental exhibit are exemplary and not exhaustive. As described in the Infringement
14 Contentions, the First Amended Infringement Contentions, the Second Amended Infringement
15 Contentions, the Third Amended Infringement Contentions, and these Fourth Amended Infringement
16 Contentions, Samsung infringes the Apple patents under 35 U.S.C. § 271(a)-(c) and (g).

17 **B. Patent Local Rule 3-1(d) – Indirect Infringement**

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

23 To the extent Samsung's direct infringement is based on joint acts of multiple parties, the role
24 of each such party is described according to Apple's current understanding in Apple's Infringement
25 Contentions, the First Amended Infringement Contentions, the Second Amended Infringement
26 Contentions, the Third Amended Infringement Contentions, and these Fourth Amended Infringement
27 Contentions, including Exhibits A through H and any supplemental exhibits, pursuant to Patent L.R.
28 3-1(d). Defendants infringe each method claim of the charted claims because it has performed each

1 and every step of the charted claims, including but not limited to through testing and use by its
2 employees. Defendants also infringe those claims by selling Accused Instrumentalities their
3 customers and encouraging those customers to use the products in a manner that meets each and
4 every step of the charted claims.

5 Apple's investigation is ongoing, and Apple accordingly reserves the right to amend or
6 supplement these assertions based upon continued discovery and investigation. Apple further
7 incorporates by reference its Infringement Contentions, First Amended Infringement Contentions,
8 Second Amended Infringement Contentions, and Third Amended Infringement Contentions under
9 Patent L.R. 3-1(d).

10 **C. 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. Apple further incorporates by reference its Infringement Contentions, First
17 Amended Infringement Contentions, Second Amended Infringement Contentions, and Third
18 Amended Infringement Contentions under Patent L.R. 3-1(e).

19 **D. Patent Local Rule 3-1(f) – Priority Dates**

20 Apple provided the information required by Local Rule 3-1 in its Infringement Contentions,
21 First Amended Infringement Contentions, Second Amended Infringement Contentions, and Third
22 Amended Infringement Contentions, and incorporates those disclosures hereto. Apple further
23 incorporates its responses, including supplements thereto, to Samsung's Interrogatory Nos. 2-3.

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

25 Apple has already provided the information required by Local Rule 3-1 in its Infringement
26 Contentions, First Amended Infringement Contentions, Second Amended Infringement Contentions,
27 and Third Amended Infringement Contentions, and incorporates those disclosures hereto. Apple is
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1 not amending or supplementing the Asserted Practice of the Claimed Inventions information asserted
2 in those disclosures at this time.

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

4 Apple has already provided the information required by Local Rule 3-1 in its Infringement
5 Contentions, First Amended Infringement Contentions, Second Amended Infringement Contentions,
6 and Third Amended Infringement Contentions, and incorporates those disclosures hereto. Apple is
7 not amending or supplementing the Willful Infringement information asserted in those disclosures at
8 this time.

9 **II. DOCUMENT PRODUCTION ACCOMPANYING DISCLOSURES**

10 Apple has already produced documents pursuant to Local Rule 3-2 concurrently with its
11 Infringement Contentions. Apple is not amending or supplementing the Document Production
12 Accompanying Disclosures information at this time.

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14 GIBSON, DUNN & CRUTCHER LLP

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16 Dated: May 21, 2013

By: /s/ H. Mark Lyon

H. Mark Lyon

Attorneys for Plaintiff Apple Inc.