

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
Charles K. Verhoeven (Cal. Bar No. 170151)
2 charlesverhoeven@quinnemanuel.com
50 California Street, 22nd Floor
3 San Francisco, California 94111
Telephone: (415) 875-6600
4 Facsimile: (415) 875-6700

5 Kevin P.B. Johnson (Cal. Bar No. 177129)
kevinjohnson@quinnemanuel.com
6 Victoria F. Maroulis (Cal. Bar No. 202603)
victoriamaroulis@quinnemanuel.com
7 555 Twin Dolphin Drive 5th Floor
Redwood Shores, California 94065
8 Telephone: (650) 801-5000
Facsimile: (650) 801-5100

9 Michael T. Zeller (Cal. Bar No. 196417)
10 michaelzeller@quinnemanuel.com
865 S. Figueroa St., 10th Floor
11 Los Angeles, California 90017
Telephone: (213) 443-3000
12 Facsimile: (213) 443-3100

13 Attorneys for Samsung Electronics Co., Ltd.,
Samsung Electronics America, Inc., and Samsung
14 Telecommunications America, LLC

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

17 APPLE INC., a California corporation,
18 Plaintiff,

19 vs.

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

CASE NO. 11-cv-01846-LHK

**DECLARATION OF SARA JENKINS IN
SUPPORT OF SAMSUNG'S OPPOSITION
TO APPLE'S MOTION FOR A
PRELIMINARY INJUNCTION**

Date: October 13, 2011
Time: 1:30 pm
Place: Courtroom 8, 4th Floor
Judge: Hon. Lucy H. Koh

1 I, Sara Jenkins, declare:

2 1. I am an attorney in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung
4 Telecommunications America, LLC (collectively “Samsung”). I have personal knowledge of the
5 facts set forth in this declaration and, if called upon as a witness, I could and would testify to such
6 facts under oath.

7 2. Attached hereto as Exhibit A is a true and correct copy of an article titled “Check
8 out the Worlds [sic] first MP3 CDMA Phone” dated September 3, 2001 as obtained from
9 ZDnet.com.au through its website on August 22, 2011 at the following address:
10 <http://m.zdnet.com.au/check-out-the-worlds-first-mp3-cdma-phone-120150661.htm>.

11 3. Attached hereto as Exhibit B is a true and correct copy of an article titled
12 “SAMSUNG Electronics Unveils Industry’s First Ultra-Slim Handset” dated June 7, 2001 as
13 obtained from Samsung through its website on August 22, 2011 at the following address:
14 http://www.samsung.com/us/news/newsPreviewRead.do?news_seq=1026.

15 4. Attached hereto as Exhibit C is a true and correct copy of an article titled
16 “SAMSUNG Electronics Develops Satellite DMB Chip for Mobile Phones” dated February 4,
17 2004 as obtained from Samsung through its website on August 22, 2011 at the following address:
18 [http://www.samsung.com/us/news/presskitRead.do?page=3&news_seq=2115&rdoPeriod=ALL&f](http://www.samsung.com/us/news/presskitRead.do?page=3&news_seq=2115&rdoPeriod=ALL&from_dt=&to_dt=&news_group=ALL&news_type=&news_ctgry=&search_keyword=dmb)
19 [rom_dt=&to_dt=&news_group=ALL&news_type=&news_ctgry=&search_keyword=dmb](http://www.samsung.com/us/news/presskitRead.do?page=3&news_seq=2115&rdoPeriod=ALL&from_dt=&to_dt=&news_group=ALL&news_type=&news_ctgry=&search_keyword=dmb).

20 5. Attached hereto as Exhibit D is a true and correct copy of a still image taken from
21 Stanley Kubrick’s 1968 film “2001: A Space Odyssey.” In a clip from that film lasting about one
22 minute, two astronauts are eating and at the same time using personal tablet computers. The clip
23 can be downloaded online at <http://www.youtube.com/watch?v=JQ8pQVDyaLo>. As with the
24 design claimed by the D’889 Patent, the tablet disclosed in the clip has an overall rectangular
25 shape with a dominant display screen, narrow borders, a predominately flat front surface, a flat
26 back surface (which is evident because the tablets are lying flat on the table’s surface), and a thin
27 form factor.

28

1 6. Attached hereto as Exhibit E are true and correct copies of two images found on the
2 website http://www.reghardware.com/2011/02/07/apple_ipad_tomorrow_people/ as accessed on
3 August 22, 2011. According to the website, these images are stills taken from the British
4 television series “The Tomorrow People,” which was broadcast from 1973-1979. The images
5 show the design of the tablet computer that was used by one of the characters on the show. As
6 with the design claimed by the D’889 Patent, the tablet disclosed in the images has an overall
7 rectangular shape with a dominant display screen and four evenly rounded corners, a reflective or
8 clear flat front surface with narrow borders which are flush with the screen, edges that are
9 primarily perpendicular to the front surface of the device, a flat back surface (which is evident
10 because the tablet lies flat on the table’s surface), and a thin form factor.

11 7. Attached hereto as Exhibit F is a true and correct copy of content from a website
12 titled “iF Product Design Award 2007” as obtained from ifdesign.de through its website on August
13 22, 2011 at the following address:
14 [http://www.ifdesign.de/beitragsdetails_e.html?offset=87&sprache=2&award_id=121&beitrag_id=](http://www.ifdesign.de/beitragsdetails_e.html?offset=87&sprache=2&award_id=121&beitrag_id=31322)
15 [31322.](http://www.ifdesign.de/beitragsdetails_e.html?offset=87&sprache=2&award_id=121&beitrag_id=31322)

16 8. Attached hereto as Exhibit G is a true and correct copy of an article titled “The LG
17 KE850: touchable chocolate” dated December 15, 2006 as obtained from engadget.com on August
18 22, 2011 at the following address: [http://mobile.engadget.com/2006/12/15/the-lg-ke850-](http://mobile.engadget.com/2006/12/15/the-lg-ke850-touchable-chocolate)
19 [touchable-chocolate.](http://mobile.engadget.com/2006/12/15/the-lg-ke850-touchable-chocolate)

20 9. Attached hereto as Exhibit H is a true and correct copy of an article titled “Ultra
21 Smart F700 Launched by Samsung Seems to Be the New ‘iPhone Killer’” dated February 10,
22 2007 as obtained from techshout.com on August 22, 2011 at the following address:
23 [http://www.techshout.com/mobile-phones/2007/10/ultra-smart-f700-launched-by-samsung-seems-](http://www.techshout.com/mobile-phones/2007/10/ultra-smart-f700-launched-by-samsung-seems-to-be-the-new-iphone-killer)
24 [to-be-the-new-iphone-killer.](http://www.techshout.com/mobile-phones/2007/10/ultra-smart-f700-launched-by-samsung-seems-to-be-the-new-iphone-killer)

25 10. Attached hereto as Exhibit I is a true and correct copy of an article titled “The
26 iPhone Lawsuits” dated February 20, 2007 as obtained from the “Apple Matters” website on
27

28

1 August 22, 2011 at the following address: <http://www.applematters.com/article/the-iphone->
2 lawsuits.

3 11. Attached hereto as Exhibit J is a true and correct copy of an article titled "LG:
4 Apple iPhone Is A Prada Phone Copy" dated February 12, 2007 as obtained from the website at
5 the following address: [http://www.mad4mobilephones.com/lg-apple-iphone-is-a-prada-phone-](http://www.mad4mobilephones.com/lg-apple-iphone-is-a-prada-phone-copy/478/)
6 [copy/478/http://www.mad4mobilephones.com/lg-apple-iphone-is-a-prada-phone-copy/478/](http://www.mad4mobilephones.com/lg-apple-iphone-is-a-prada-phone-copy/478/).

7 12. Attached hereto as Exhibit K is a true and correct copy of an article titled "Apple
8 iPhone vs LG Prada: separated at birth? (part 2)" dated June 29, 2007 as obtained from
9 engadget.com on August 22, 2011 at the following address:
10 <http://www.engadget.com/2007/06/29/apple-iphone-vs-lg-prada-separated-at-birth-part-2/>

11 13. Attached hereto as Exhibit L is a true and correct copy of an article titled "Top 10
12 iPhone Knockoffs" as obtained from toptenz.net on August 22, 2011 at the following address:
13 <http://www.toptenz.net/top-10-iphone-knockoffs.php>.

14 14. Attached hereto as Exhibit M is a true and correct copy of certain excerpts of the
15 transcript of the deposition of Richard J. Lutton, Jr. dated July 26, 2011.

16 15. Attached hereto as Exhibit N is a true and correct copy of exhibit 5 from the
17 deposition of Richard Lutton dated July 26, 2011.

18 16. Attached hereto as Exhibit O is a true and correct copy of certain excerpts of the
19 transcript of the deposition of Cooper Woodring, dated August 5, 2011

20 17. Attached hereto as Exhibit P is a true and correct copy of certain excerpts of the
21 transcript of the deposition of Christopher Stringer dated August 3, 2011.

22 18. Attached hereto as Exhibit Q is a true and correct copy of U.S. Design Patent No.
23 618,677.

24 19. Attached hereto as Exhibit R is a true and correct copy of U.S. Design Patent No.
25 593,087.

26 20. Enclosed on a CD as Exhibit S is a true and correct copy of a video clip of
27 "Objectified" as downloaded from <http://www.youtube.com/watch?v=t0fe800C2CU>.

28

1 21. Attached hereto as Exhibit T is a document containing comparative images of the
2 D'889 Patent, the Apple iPad, the Apple iPad2, and the Samsung Galaxy Tab 10.1.

3 22. Attached hereto as Exhibit U is a document containing comparative images of the
4 D'677 Patent, the D'087 Patent, the Apple iPhone 3GS, and Samsung Galaxy S 4G, and the
5 Samsung Infuse 4G.

6 23. Attached hereto as Exhibit V is a true and correct copy of an article titled "Apple
7 May Have Manipulated Evidence Against Samsung in Patent War" obtained from IBTimes on
8 August 22, 2011 from this address: [http://newyork.ibtimes.com/articles/198219/20110815/apple-](http://newyork.ibtimes.com/articles/198219/20110815/apple-samsung-patent-war-ipad-2-galaxy-tab-10-1-flaw.htm)
9 [samsung-patent-war-ipad-2-galaxy-tab-10-1-flaw.htm](http://newyork.ibtimes.com/articles/198219/20110815/apple-samsung-patent-war-ipad-2-galaxy-tab-10-1-flaw.htm).

10 24. Attached hereto as Exhibit W is a true and correct copy of an article titled "Apple
11 Again Cites Inaccurate Evidence in Samsung Patent Case" obtained from PCWorld on August 22,
12 2011 from this address:
13 [http://www.pcworld.com/article/238488/apple_again_cites_inaccurate_evidence_in_samsung_pat-](http://www.pcworld.com/article/238488/apple_again_cites_inaccurate_evidence_in_samsung_patent_case.html)
14 [ent_case.html](http://www.pcworld.com/article/238488/apple_again_cites_inaccurate_evidence_in_samsung_patent_case.html).

15 25. Exhibits X through DD have been physically lodged with the Court and are true
16 and correct copies of the following products: Apple iPhone 3GS, Apple iPhone 4, Apple iPad,
17 Apple iPad2, Samsung Galaxy S 4G, Samsung Infuse 4G, Samsung Galaxy Tab 10.1,
18 respectively.

19 26. Attached hereto as Exhibit EE is a true and correct copy of U.S. Design Patent No.
20 504,889.

21 27. Attached hereto as Exhibit FF are true and correct copies of Apple Inc.'s
22 Objections and Responses to Samsung's Interrogatories to Apple Relating to Apple Inc.'s Motion
23 for a Preliminary Injunction and Apple Inc.'s August 18, 2011 verification of its interrogatory
24 responses.

25 28. Attached hereto as Exhibit GG is a true and correct copy of the home page for
26 Apple's iPad2 as obtained from Apple's website on August 22, 2011 at the following address:
27 <http://www.apple.com/ipad/>.

28

1 29. Attached hereto as Exhibit HH is a true and correct copy of certain excerpts of the
2 transcript of the deposition of Bas Ording dated August 9, 2011.

3 30. Attached hereto as Exhibit II is a true and correct copy of certain excerpts of the
4 transcript and exhibits of the deposition of Ravin Balakrishnan dated August 16, 2011.

5 31. Attached hereto as Exhibit JJ is a true and correct copy of exhibit 104 from the
6 deposition of Ravin Balakrishnan dated August 16, 2011.

7 32. Attached hereto as Exhibit KK is a true and correct copy of International
8 Publication Number WO 03/081458 to Luigi Lira.

9 33. Attached hereto as Exhibit LL is a true and correct copy of exhibit 14 from the
10 deposition of Richard Lutton dated July 26, 2011.

11 34. Attached hereto as Exhibit MM is a true and correct copy of exhibit 18 from the
12 deposition of Richard Lutton dated July 26, 2011.

13 35. Attached hereto as Exhibit NN is a true and correct copy of excerpts of the
14 deposition of Sissie Twiggs dated July 27, 2011

15 36. Attached hereto as Exhibit OO is a true and correct copy of exhibit 4 from the
16 deposition of Richard Lutton dated July 26, 2011.

17 37. Enclosed on a CD as Exhibit PP is a true and correct copy of a video clip as
18 downloaded from <http://www.youtube.com/watch?v=mbJFJ2pmedA>.

19 38. Attached hereto as Exhibit QQ is a true and correct copy of exhibit 11 from the
20 deposition of Richard Lutton dated July 26, 2011.

21 39. Attached hereto as Exhibit RR is a true and correct copy of Google Inc.'s Form 10-
22 K for the fiscal year ended December 31, 2010.

23 40. Attached hereto as Exhibit SS is true and correct copy of a demonstrative matching
24 Dr. Balakrishnan's deposition testimony regarding LaunchTile to the claims of the '381 Patent.

25 41. Attached hereto as Exhibit TT are true and correct copies of three articles regarding
26 the releases of Samsung's Captivate, Continuum and Vibrant phones that were downloaded on
27 August 22, 2011. The article titled "Android OS-based Samsung Captivate Released by AT&T"
28 was downloaded from <http://www.brighthand.com/printArticle.asp?newsID=16796>; the article

1 titled "Samsung Continuum Review" was downloaded from
2 <http://www.brighthub.com/mobile/samsung/reviews/96764.aspx> and the article titled "Samsung
3 Vibrant Review by MobileBurn" was downloaded from
4 <http://www.cellphonesignal.com/samsung-vibrant-review-by-mobileburn>.

5 I declare under penalty of perjury that the foregoing is true and correct. Executed in
6 Redwood Shores, California on August 22, 2011.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By /s/ Sara Jenkins
Sara Jenkins