

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

2 Charles K. Verhoeven (Bar No. 170151)

3 charlesverhoeven@quinnemanuel.com

4 50 California Street, 22<sup>nd</sup> Floor

5 San Francisco, California 94111

6 Telephone: (415) 875-6600

7 Facsimile: (415) 875-6700

8 Kevin P.B. Johnson (Bar No. 177129)

9 kevinjohnson@quinnemanuel.com

10 Victoria F. Maroulis (Bar No. 202603)

11 victoriamaroulis@quinnemanuel.com

12 555 Twin Dolphin Drive, 5<sup>th</sup> Floor

13 Redwood Shores, California 94065-2139

14 Telephone: (650) 801-5000

15 Facsimile: (650) 801-5100

16 Michael T. Zeller (Bar No. 196417)

17 michaelzeller@quinnemanuel.com

18 865 S. Figueroa Street, 10<sup>th</sup> Floor

19 Los Angeles, California 90017

20 Telephone: (213) 443-3000

21 Facsimile: (213) 443-3100

22 Attorneys for SAMSUNG ELECTRONICS CO.,

23 LTD., SAMSUNG ELECTRONICS AMERICA,

24 INC. and SAMSUNG

25 TELECOMMUNICATIONS AMERICA, LLC

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

23 SAMSUNG ELECTRONICS CO., LTD., a

24 Korean business entity; SAMSUNG

25 ELECTRONICS AMERICA, INC., a New

26 York corporation; SAMSUNG

27 TELECOMMUNICATIONS AMERICA,

28 LLC, a Delaware limited liability company,

Defendants.

CASE NO. 11-cv-01846-LHK

**STATEMENT OF RECENT DECISION**

**BY UNITED STATES PATENT AND**

**TRADEMARK OFFICE REGARDING**

**U.S. PATENT NO. 7,844,915**

**(L.R. 7-3(d))**

1 Pursuant to Local Rule 7-3(d), Defendants Samsung Electronics Co., Ltd., Samsung  
2 Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively  
3 “Samsung”) bring to the Court’s attention an Office Action by the United States Patent and  
4 Trademark Office (“USPTO”) in the *ex parte* reexamination of U.S. Patent Number 7,844,915  
5 dated December 19, 2012. This Office Action is relevant to Samsung's Motion for Judgment as a  
6 Matter of Law, New Trial and/or Remittitur (Dkt No. 1990) and Samsung's Opposition to Apple’s  
7 Motion for a Permanent Injunction and Damages Enhancement (Dkt No. 2054) because it rejects  
8 all claims, including Claim 8, the only claim at issue at trial in this action.

9 The claims were rejected under 35 U.S.C. §§ 102 and 103 based on U.S. Patent No.  
10 7,724,242 to Hillis et al. (“Hillis”), International Pub. No. WO 03/081458 to Lira (“Lira”), U.S.  
11 Patent No. 6,757,673 to Makus et al. (“Makus”), Japanese Pub. No. 2000-163031A to Nomura et  
12 al. (English translation) (“Nomura”), and Dean Harris Rubine, “The Automatic Recognition of  
13 Gestures,” CMU-CS-91-202, December 1991 (“Rubine”). The USPTO rejected the claims on the  
14 following grounds:

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16 **Ground 1:** Claims 1, 5-8, 12-15 and 19-21 are rejected under 35 U.S.C. § 102(e) as  
anticipated by Hillis.

17 **Ground 2:** Claims 2, 9 and 16 are rejected under 35 U.S.C. § 103(a) as unpatentable over  
18 Hillis in view of Lira.

19 **Ground 3:** Claims 3, 4, 10, 11, 17 and 18 are rejected under 35 U.S.C. § 103(a) as  
unpatentable over Hillis in view of Makus.

20 **Ground 4:** Claims 1, 5-8, 12-15 and 19-21 are rejected under 35 U.S.C. § 103(a) as  
21 unpatentable over Nomura in view of Rubine.

22 **Ground 5:** Claims 2, 9 and 16 are rejected under 35 U.S.C. § 103(a) as unpatentable over  
Nomura in view of Rubine and further in view of Lira.

23 **Ground 6:** Claims 3, 4, 10, 11, 17 and 18 are rejected under 35 U.S.C. § 103(a) as  
24 unpatentable over Nomura in view of Rubine and further in view of Makus.

25 A copy of the Office Action is attached hereto as Exhibit A.  
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1 DATED: December 19, 2012

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

2 By /s/ Victoria F. Maroulis

3 Charles K. Verhoeven  
4 Kevin P.B. Johnson  
5 Victoria F. Maroulis  
6 Michael T. Zeller

7 Attorneys for SAMSUNG ELECTRONICS CO.,  
8 LTD., SAMSUNG ELECTRONICS AMERICA,  
9 INC., and SAMSUNG  
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