

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

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

11 Edward DeFranco (Bar No. 165596)
eddefranco@quinnemanuel.com
12 QUINN EMANUEL URQUHART &
SULLIVAN, LLP
13 51 Madison Avenue, 22nd Floor
New York, New York 10010
14 Telephone: (212) 849-7000
Facsimile: (212) 849-7100

15 Michael T. Zeller (Bar No. 196417)
michaelzeller@quinnemanuel.com
16 QUINN EMANUEL URQUHART &
SULLIVAN, LLP
17 865 S. Figueroa St., 10th Floor
Los Angeles, California 90017
18 Telephone: (213) 443-3000
Facsimile: (213) 443-3100

19 Attorneys for Plaintiffs Samsung Electronics Co., Ltd. and
20 Samsung Telecommunications America, LLC

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

23 SAMSUNG ELECTRONICS CO., LTD., a
Korean corporation, and SAMSUNG
24 TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

25 Plaintiffs,

26 vs.

27 APPLE INC., a California corporation,

28 Defendant.

CASE NO.

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiffs Samsung Electronics Co., Ltd. ("SEC") and Samsung Telecommunications
2 America, LLC ("STA") (collectively, "Samsung") complain and allege as follows against Apple
3 Inc. ("Apple"):

4 **THE PARTIES**

5 1. Plaintiff SEC is a corporation organized under the laws of Korea, with its
6 principal place of business at 416 Maetan-3dong, Yeongtong-gu, Suwon-City, Gyeonggi-do,
7 Korea 443-742.

8 2. Plaintiff STA is a limited liability company organized under the laws of
9 Delaware, with its principal place of business at 1301 East Lookout Drive, Richardson, Texas
10 75082.

11 3. Upon information and belief, Apple is a corporation organized under the laws of
12 California and has its principal place of business at 1 Infinite Loop, Cupertino, California 95014.
13 Upon information and belief, Apple imports into the United States, offers for sale, sells and/or
14 uses in the United States mobile electronic devices.

15 **NATURE OF THE ACTION**

16 4. This is an action for patent infringement.

17 5. Apple has infringed and continues to infringe, contribute to the infringement of,
18 and/or actively induce others to infringe SEC's U.S. Patent No. 7,675,941 ("the '941 patent"),
19 U.S. Patent No. 7,362,867 ("the '867 patent"), U.S. Patent No. 7,447,516 ("the '516 patent"), U.S.
20 Patent No. 7,200,792 ("the '792 patent"), U.S. Patent No. 7,386,001 ("the '001 patent"), U.S.
21 Patent No. 7,050,410 ("the '410 patent"), U.S. Patent No. 6,928,604 ("the '604 patent"), U.S.
22 Patent No. 6,292,179 ("the '179 patent"), U.S. Patent No. 7,009,626 ("the '626 patent"), and U.S.
23 Patent No. 7,069,055 ("the '055 patent") (collectively "the patents-in-suit").

24 **JURISDICTION AND VENUE**

25 6. This lawsuit is an action for patent infringement arising under the patent laws of
26 the United States, 35 U.S.C. §§ 1 *et seq.* This Court has jurisdiction over this action pursuant to
27 28 U.S.C. §§ 1331 and 1338.

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1 28,700 United States patents, including 5,933 in the telecommunications field. Samsung is
2 consistently ranked ahead of other technology companies in terms of the number of issued
3 patents obtained in the United States, with 4,551 issued patents in 2010 alone.

4 13. Samsung's research and development successes have propelled the company to
5 its status as the largest provider by volume of mobile devices in the United States and the second
6 largest in the world. During the last half of 2010, Samsung sold more Android-based devices
7 worldwide than any other company.

8 14. Samsung has been a pioneer in the mobile device business sector since the
9 inception of the mobile device industry. In 1999, Samsung introduced its first multi-function
10 "smart phone" that provided both internet access (for sending E-mails and for electronic chatting)
11 and personal digital assistant ("PDA") features. In 2001 Samsung introduced into the United
12 States the first PDA phone with a 256-color screen, selected as one of the Best Products of 2001
13 by BusinessWeek magazine.

14 15. Also in 2001, Samsung broke the 1 cm technological barrier and stunned the
15 industry with an ultra-slim, lightweight flip phone that was only 9.8 mm thick. This innovation
16 sparked the ultra-portable mobile phone revolution spurring dozens of competitors to slim down
17 the design form factors and develop their own portable mobile phone technology design. In
18 2002, Samsung unleashed the world's first high-definition color LCD display suitable for mobile
19 devices. Now users could browse the web and view images directly from their mobile devices in
20 true color. In 2004, after selling over 20 million mobile handsets in the United States, Samsung
21 announced the first mobile phone that supported digital multimedia broadcast via satellite. Users
22 could now watch streaming high-quality multimedia content wherever they traveled.

23 16. Samsung announced the world's first five and seven megapixel camera phones
24 in late 2004 and early 2005, respectively. Now, mid- to high-range digital camera functionality
25 could be integrated with mobile handsets, allowing users to snap life-like photos on-the-go. In
26 2008, Samsung became the leading mobile handset vendor in the United States.

27 17. Samsung has also continuously innovated in the area of mobile phone displays.
28 In 2008 and 2009, Samsung released the industry's first high resolution AMOLED display for a

1 mobile phone. The new display featured a 180-degree viewing angle and reduced power
2 consumption when compared to traditional LCD displays. Samsung's clearer and brighter Super
3 AMOLED displays continued to improve mobile phone displays with 30% better color
4 reproduction over the best quality LCD displays.

5 18. Samsung's innovative features, including the integrated high resolution cameras
6 and displays, were the result of the exceptional creativity and ingenuity of thousands of Samsung
7 engineers across the globe engaged in cutting-edge research and development projects.

8 19. Samsung's innovative contributions to the mobile device industry have been
9 recognized through numerous awards for excellence in mobile device design. For example,
10 Samsung has received numerous "Red Dot Design Awards" in one of the largest international
11 design competitions. Similarly, a number of Samsung mobile devices have been awarded the "iF
12 Design Award" from the iF Industrie Forum Design e.V., based in Germany, for features such as
13 the user interface. The iF Designs Awards are among the most important in the world, as
14 evidenced by more than 11,000 annual entries from almost 50 countries. Samsung has also
15 received a number of "Good Design Awards" from the Japan Industrial Design Promotion
16 Organization (JIDPO). Overall, Samsung's mobile phones and devices have won close to 60
17 awards between 2007 and the beginning of 2011.

18 20. Samsung has consistently introduced market-relevant and innovative products,
19 including over 1,500 mobile phone models, incorporating Samsung patented technology, into the
20 U.S. marketplace since 1997. Over 281 million Samsung mobile devices have been sold since
21 1997.

22 21. Without the ability to enforce its intellectual property rights, such as those
23 relating to mobile device technology at issue in this action, Samsung would not be able to sustain
24 the extensive commitment to research and development that has enabled it to lead the way into
25 numerous improvements across a broad range of technologies, including the mobile device
26 technologies at issue in this action.

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1 **SAMSUNG'S INTELLECTUAL PROPERTY RIGHTS**

2 22. Samsung's patents relate to fundamental innovations that increase mobile device
3 reliability, efficiency, and quality, and improve user interface in mobile handsets and other
4 products. These innovations are critical to the user's ability to communicate with family, friends,
5 and business associates reliably and effectively.

6 23. In communications systems, standards that prescribe the formats for sending
7 information are essential to ensure that mobile devices made by different manufacturers are
8 capable of interacting within a network. Because interoperability is key for communications,
9 the development of protocols that ultimately result in a technical standard is very important to
10 ensuring an efficient and functional system. As modern wireless networks carry more data at
11 higher data rates and service more users than their predecessors, continued innovation is essential
12 to keep pace with the increased demands on cellular networks. Samsung has been a leader in
13 developing the ideas and protocols needed to increase the efficiency, reliability, and functionality
14 of standards-based networks and the features available in these networks.

15 24. In the United States, one of the key standards governing cellular
16 communications, known as Wideband Code-Division Multiple-Access (W-CDMA), is published
17 by 3GPP (Third Generation Partnership Project). W-CDMA is one of the main technologies for
18 the implementation of third-generation (3G) and more advanced cellular networks such as those
19 of AT&T and T-Mobile. W-CDMA is the most common form of air interface standard within
20 the Universal Mobile Telecommunications System (UMTS) telecommunications technologies
21 standard. Samsung has made key inventions that are part of these standards.

22 25. The Samsung W-CDMA and UMTS patents at issue in this action relate to
23 reliability, capacity, efficiency, compatibility, and functioning of mobile devices in W-CDMA
24 and UMTS networks.

25 26. Samsung's technology relating to transmission of multiple streams, including
26 voice and data, onto a single radio channel, allows users to talk on a mobile device and view and
27 transmit information at the same time.

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1 27. Samsung's technology increases the reliability of mobile devices. In particular,
2 Samsung's technology increases the fidelity of transmission of data such as E-mail, text
3 messages, and attachments sent by the user from the mobile device.

4 28. Samsung's technology increases the throughput and capacity of mobile device
5 networks. The rapid increase in usage of the mobile device networks has led to unprecedented
6 demand for increased capacity and throughput, particularly as data-demanding applications such
7 as video have become widespread. Samsung's technology enables a given network to pack in
8 more users' data without increasing the size of the frequency band used, and can therefore
9 accommodate a larger number of users.

10 29. Samsung's technology reduces interference among mobile devices. As more
11 and more mobile devices are used in today's networks, the likelihood of interference among
12 different devices increases, and therefore regulation of the amount of transmit power is
13 important. Samsung's technology provides techniques to regulate the amount of power
14 transmitted by mobile devices, reducing interference in cellular communications.

15 30. The Samsung user interface patents at issue in this action relate to generating
16 and displaying time, keyboard function, and viewing of images on mobile devices.

17 31. As users travel across time zones, the ability of a mobile device to update to the
18 local time is important for tracking appointments and meetings. Samsung's technology provides
19 a means for a mobile device to control and display world time.

20 32. Input techniques that do not require a conventional hardware keyboard are
21 important to functionality for small mobile devices. Samsung has developed a technique using a
22 software keyboard system on a touch screen to fill this need.

23 33. Graphical data, *e.g.*, images, are an integral part of modern web pages viewed
24 on computers and other mobile devices. High-resolution images can take time to load,
25 depending on their size and the speed of the user's connection to the network. Samsung's
26 technology permits the user to view an approximation of the image while the full resolution
27 image is loading.

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1 34. Samsung has sold millions of mobile phones in the United States incorporating
2 the patented technology at issue here. For example, in 2010, Samsung sold over 24 million
3 mobile phones incorporating Samsung's innovations that reduce data transmission errors,
4 including the Samsung Galaxy S 4G. The Samsung Galaxy S 4G has been heralded by CNET as
5 a "fantastic Android smartphone" that delivers "fast data speeds," and PC Magazine named the
6 Samsung Galaxy S 4G one of the best AT&T and T-Mobile phones.

7 35. Samsung's Captivate and Vibrant mobile phone models, which also incorporate
8 the patented technologies at issue here, were both named to PC Magazine's Top 10 Smartphones
9 list, with the Samsung Captivate being described as a "super-phone," and the Samsung Vibrant
10 being described as T-Mobile's "top smartphone."

11 36. Apple has copied many of Samsung's innovations in its Apple iPhone, iPod, and
12 iPad products. Unlike other Samsung competitors that have respected Samsung's innovations
13 and licensed the Samsung patents covering these technologies, Apple continues to violate
14 Samsung's patent rights by using these patented technologies without a license.

15 37. SEC is the owner of all rights, title, and interest in the '941 patent, entitled
16 "Method and Apparatus for Transmitting/Receiving Packet Data Using Pre-Defined Length
17 Indicator in a Mobile Communication System," which was duly and properly issued by the
18 United States Patent and Trademark Office ("USPTO") on March 9, 2010. A copy of the '941
19 patent is attached as Ex. 1.

20 38. SEC is the owner of all rights, title, and interest in the '867 patent, entitled
21 "Apparatus and Method for Generating Scrambling Code in UMTS Mobile Communication
22 System," which was duly and properly issued by the USPTO on April 22, 2008. A copy of the
23 '867 patent is attached as Ex. 2.

24 39. SEC is the owner of all rights, title, and interest in the '516 patent, entitled
25 "Method and Apparatus for Data Transmission in a Mobile Telecommunication System
26 Supporting Enhanced Uplink Service," which was duly and properly issued by the USPTO on
27 November 4, 2008. A copy of the '516 patent is attached as Ex. 3.

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1 40. SEC is the owner of all rights, title, and interest in the '792 patent, entitled
2 "Interleaving Apparatus and Method for Symbol Mapping in an HSDPA Mobile Communication
3 System," which was duly and properly issued by the USPTO on April 3, 2007. A copy of the
4 '792 patent is attached as Ex. 4.

5 41. SEC is the owner of all rights, title, and interest in the '001 patent, entitled
6 "Apparatus and Method for Channel Coding and Multiplexing in CDMA Communication
7 System," which was duly and properly issued by the USPTO on June 10, 2008. A copy of the
8 '001 patent is attached as Ex. 5.

9 42. SEC is the owner of all rights, title, and interest in the '410 patent, entitled
10 "Apparatus and Method for Controlling a Demultiplexer and a Multiplexer Used for Rate
11 Matching in a Mobile Communication System," which was duly and properly issued by the
12 USPTO on May 23, 2006. A copy of the '410 patent is attached as Ex. 6.

13 43. SEC is the owner of all rights, title, and interest in the '604 patent, entitled
14 "Turbo Encoding/Decoding Device and Method for Processing Frame Data According to QOS,"
15 which was duly and properly issued by the USPTO on August 9, 2005. A copy of the '604 patent
16 is attached as Ex. 7.

17 44. SEC is the owner of all rights, title, and interest in the '179 patent, entitled
18 "Software Keyboard System Using Trace of Stylus on a Touch Screen and Method for
19 Recognizing Key Code Using the Same," which was duly and properly issued by the USPTO on
20 September 18, 2001. A copy of the '179 patent is attached as Ex. 8.

21 45. SEC is the owner of all rights, title, and interest in the '626 patent, entitled
22 "Systems and Methods for Generating Visual Representations of Graphical Data and Digital
23 Document Processing," which was duly and properly issued by the USPTO on March 7, 2006. A
24 copy of the '626 patent is attached as Ex. 9.

25 46. SEC is the owner of all rights, title, and interest in the '055 patent, entitled
26 "Mobile Telephone Capable of Displaying World Time and Method for Controlling the Same,"
27 which was duly and properly issued by the USPTO on June 27, 2006. A copy of the '055 patent
28 is attached as Ex. 10.

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COUNT I

INFRINGEMENT OF THE '941 PATENT

47. Samsung realleges and incorporates by reference the allegations of Paragraphs 1-46 of this Complaint as though fully set forth herein.

48. Upon information and belief, in violation of 35 U.S.C. § 271, Apple is and has been directly infringing, contributing to the infringement of, and/or inducing others to infringe the '941 patent by making, using, selling, and/or offering to sell in the United States, or importing into the United States, products or processes that practice the inventions claimed in the '941 patent, including without limitation, the Apple iPhone 3G, the Apple iPhone 3GS, the Apple iPhone 4, the iPad 3G, and the iPad 2 3G.

49. As a result of Apple's unlawful infringement of the '941 patent, Samsung has suffered and will continue to suffer damage. Samsung is entitled to recover from Apple the damages suffered by Samsung as a result of its unlawful acts.

50. On information and belief, Apple intends to continue its unlawful infringing activity, and Samsung continues to and will continue to suffer irreparably harm – for which there is no adequate remedy at law – from such unlawful infringing activities unless this Court enjoins Apple from further infringing activities.

COUNT II

INFRINGEMENT OF THE '867 PATENT

51. Samsung realleges and incorporates by reference the allegations of Paragraphs 1-50 of this Complaint as though fully set forth herein.

52. Upon information and belief, in violation of 35 U.S.C. § 271, Apple is and has been directly infringing, contributing to the infringement of, and/or inducing others to infringe the '867 patent by making, using, selling, and/or offering to sell in the United States, or importing into the United States, products or processes that practice the inventions claimed in the '867 patent, including without limitation, the Apple iPhone 3G, the Apple iPhone 3GS, the Apple iPhone 4, the iPad 3G, and the iPad 2 3G.

1 53. As a result of Apple's unlawful infringement of the '867 patent, Samsung has
2 suffered and will continue to suffer damage. Samsung is entitled to recover from Apple the
3 damages suffered by Samsung as a result of its unlawful acts.

4 54. On information and belief, Apple intends to continue its unlawful infringing
5 activity, and Samsung continues to and will continue to suffer irreparably harm – for which there
6 is no adequate remedy at law – from such unlawful infringing activities unless this Court enjoins
7 Apple from further infringing activities.

8 **COUNT III**

9 **INFRINGEMENT OF THE '516 PATENT**

10 55. Samsung realleges and incorporates by reference the allegations of Paragraphs
11 1-54 of this Complaint as though fully set forth herein.

12 56. Upon information and belief, in violation of 35 U.S.C. § 271, Apple is and has
13 been directly infringing, contributing to the infringement of, and/or inducing others to infringe
14 the '516 patent by making, using, selling, and/or offering to sell in the United States, or
15 importing into the United States, products or processes that practice the inventions claimed in the
16 '516 patent, including without limitation, the Apple iPhone 3G, the Apple iPhone 3GS, the Apple
17 iPhone 4, the iPad 3G, and the iPad 2 3G.

18 57. As a result of Apple's unlawful infringement of the '516 patent, Samsung has
19 suffered and will continue to suffer damage. Samsung is entitled to recover from Apple the
20 damages suffered by Samsung as a result of its unlawful acts.

21 58. On information and belief, Apple intends to continue its unlawful infringing
22 activity, and Samsung continues to and will continue to suffer irreparably harm – for which there
23 is no adequate remedy at law – from such unlawful infringing activities unless this Court enjoins
24 Apple from further infringing activities.

25 **COUNT IV**

26 **INFRINGEMENT OF THE '792 PATENT**

27 59. Samsung realleges and incorporates by reference the allegations of Paragraphs
28 1-58 of this Complaint as though fully set forth herein.

1 is no adequate remedy at law – from such unlawful infringing activities unless this Court enjoins
2 Apple from further infringing activities.

3 **COUNT VI**

4 **INFRINGEMENT OF THE '410 PATENT**

5 67. Samsung realleges and incorporates by reference the allegations of Paragraphs
6 1-66 of this Complaint as though fully set forth herein.

7 68. Upon information and belief, in violation of 35 U.S.C. § 271, Apple is and has
8 been directly infringing, contributing to the infringement of, and/or inducing others to infringe
9 the '410 patent by making, using, selling, and/or offering to sell in the United States, or
10 importing into the United States, products or processes that practice the inventions claimed in the
11 '410 patent, including without limitation, the Apple iPhone 3G, the Apple iPhone 3GS, the Apple
12 iPhone 4, the iPad 3G, and the iPad 2 3G.

13 69. As a result of Apple's unlawful infringement of the '410 patent, Samsung has
14 suffered and will continue to suffer damage. Samsung is entitled to recover from Apple the
15 damages suffered by Samsung as a result of its unlawful acts.

16 70. On information and belief, Apple intends to continue its unlawful infringing
17 activity, and Samsung continues to and will continue to suffer irreparably harm – for which there
18 is no adequate remedy at law – from such unlawful infringing activities unless this Court enjoins
19 Apple from further infringing activities.

20 **COUNT VII**

21 **INFRINGEMENT OF THE '604 PATENT**

22 71. Samsung realleges and incorporates by reference the allegations of Paragraphs
23 1-70 of this Complaint as though fully set forth herein.

24 72. Upon information and belief, in violation of 35 U.S.C. § 271, Apple is and has
25 been directly infringing, contributing to the infringement of, and/or inducing others to infringe
26 the '604 patent by making, using, selling, and/or offering to sell in the United States, or
27 importing into the United States, products or processes that practice the inventions claimed in the
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1 '604 patent, including without limitation, the Apple iPhone 3G, the Apple iPhone 3GS, the Apple
2 iPhone 4, the iPad 3G, and the iPad 2 3G.

3 73. As a result of Apple's unlawful infringement of the '604 patent, Samsung has
4 suffered and will continue to suffer damage. Samsung is entitled to recover from Apple the
5 damages suffered by Samsung as a result of its unlawful acts.

6 74. On information and belief, Apple intends to continue its unlawful infringing
7 activity, and Samsung continues to and will continue to suffer irreparably harm – for which there
8 is no adequate remedy at law – from such unlawful infringing activities unless this Court enjoins
9 Apple from further infringing activities.

10 **COUNT VIII**

11 **INFRINGEMENT OF THE '179 PATENT**

12 75. Samsung realleges and incorporates by reference the allegations of Paragraphs
13 1-74 of this Complaint as though fully set forth herein.

14 76. Upon information and belief, in violation of 35 U.S.C. § 271, Apple is and has
15 been directly infringing, contributing to the infringement of, and/or inducing others to infringe
16 the '179 patent by making, using, selling, and/or offering to sell in the United States, or
17 importing into the United States, products or processes that practice the inventions claimed in the
18 '179 patent, including without limitation, the Apple iPhone 3G, the Apple iPhone 3GS, the Apple
19 iPhone 4, the iPod Touch, the iPad, the iPad 3G, the iPad2, and the iPad 2 3G.

20 77. As a result of Apple's unlawful infringement of the '179 patent, Samsung has
21 suffered and will continue to suffer damage. Samsung is entitled to recover from Apple the
22 damages suffered by Samsung as a result of its unlawful acts.

23 78. On information and belief, Apple intends to continue its unlawful infringing
24 activity, and Samsung continues to and will continue to suffer irreparably harm – for which there
25 is no adequate remedy at law – from such unlawful infringing activities unless this Court enjoins
26 Apple from further infringing activities.

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COUNT IX

INFRINGEMENT OF THE '626 PATENT

79. Samsung realleges and incorporates by reference the allegations of Paragraphs 1-78 of this Complaint as though fully set forth herein.

80. Upon information and belief, in violation of 35 U.S.C. § 271, Apple is and has been directly infringing, contributing to the infringement of, and/or inducing others to infringe the '626 patent by making, using, selling, and/or offering to sell in the United States, or importing into the United States, products or processes that practice the inventions claimed in the '626 patent, including without limitation, the Apple iPhone 3G, the Apple iPhone 3GS, the Apple iPhone 4, the iPod Touch, the iPad, the iPad 3G, the iPad 2, and the iPad 2 3G.

81. As a result of Apple's unlawful infringement of the '626 patent, Samsung has suffered and will continue to suffer damage. Samsung is entitled to recover from Apple the damages suffered by Samsung as a result of its unlawful acts.

82. On information and belief, Apple intends to continue its unlawful infringing activity, and Samsung continues to and will continue to suffer irreparably harm – for which there is no adequate remedy at law – from such unlawful infringing activities unless this Court enjoins Apple from further infringing activities.

COUNT X

INFRINGEMENT OF THE '055 PATENT

83. Samsung realleges and incorporates by reference the allegations of Paragraphs 1-82 of this Complaint as though fully set forth herein.

84. Upon information and belief, in violation of 35 U.S.C. § 271, Apple is and has been directly infringing, contributing to the infringement of, and/or inducing others to infringe the '055 patent by making, using, selling, and/or offering to sell in the United States, or importing into the United States, products or processes that practice the inventions claimed in the '055 patent, including without limitation, the Apple iPhone 3G, the Apple iPhone 3GS, the Apple iPhone 4, the iPod Touch, the iPad, the iPad 3G, the iPad 2, and the iPad 2 3G.

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DATED: April 27, 2011

Respectfully submitted,

By _____

Charles K. Verhoeven
Quinn Emanuel Urquhart & Sullivan LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: 415-875-6600

Kevin P.B. Johnson
Victoria Maroulis
Quinn Emanuel Urquhart & Sullivan LLP
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, California 94065
Telephone: 650-801-5000

Edward J. DeFranco
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Ave, 22nd Floor
New York, NY 10010
Telephone: 212-849-7000

Michael T. Zeller
Quinn Emanuel Urquhart & Sullivan LLP
865 S. Figueroa St., 10th Floor
Los Angeles, California 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

Attorneys for Plaintiffs
Samsung Electronics Co., Ltd. and Samsung
Telecommunications America, LLC

1 **DEMAND FOR JURY TRIAL**

2 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs hereby demand a
3 trial by jury as to all issues so triable.

4
5 DATED: April 27, 2011

Respectfully submitted,

6
7 By _____

8 Charles K. Verhoeven
9 Quinn Emanuel Urquhart & Sullivan LLP
10 50 California Street, 22nd Floor
11 San Francisco, CA 94111
12 Telephone: 415-875-6600

13 Kevin P.B. Johnson
14 Victoria Maroulis
15 Quinn Emanuel Urquhart & Sullivan LLP
16 555 Twin Dolphin Drive, 5th Floor
17 Redwood Shores, California 94065
18 Telephone: 650-801-5000

19 Edward J. DeFranco
20 Quinn Emanuel Urquhart & Sullivan LLP
21 51 Madison Ave, 22nd Floor
22 New York, NY 10010
23 Telephone: 212-849-7000

24 Michael T. Zeller
25 Quinn Emanuel Urquhart & Sullivan LLP
26 865 S. Figueroa St., 10th Floor
27 Los Angeles, California 90017
28 Telephone: (213) 443-3000
Facsimile: (213) 443-3100

Attorneys for Plaintiff
Samsung Electronics Co., Ltd. and Samsung
Telecommunications America, LLC