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11 Attorneys for Plaintiff and  
 Counterclaim-Defendant APPLE INC.

12  
 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 business entity; SAMSUNG  
 21 ELECTRONICS AMERICA, INC., a New York  
 corporation; SAMSUNG  
 22 TELECOMMUNICATIONS AMERICA, LLC, a  
 Delaware limited liability company,

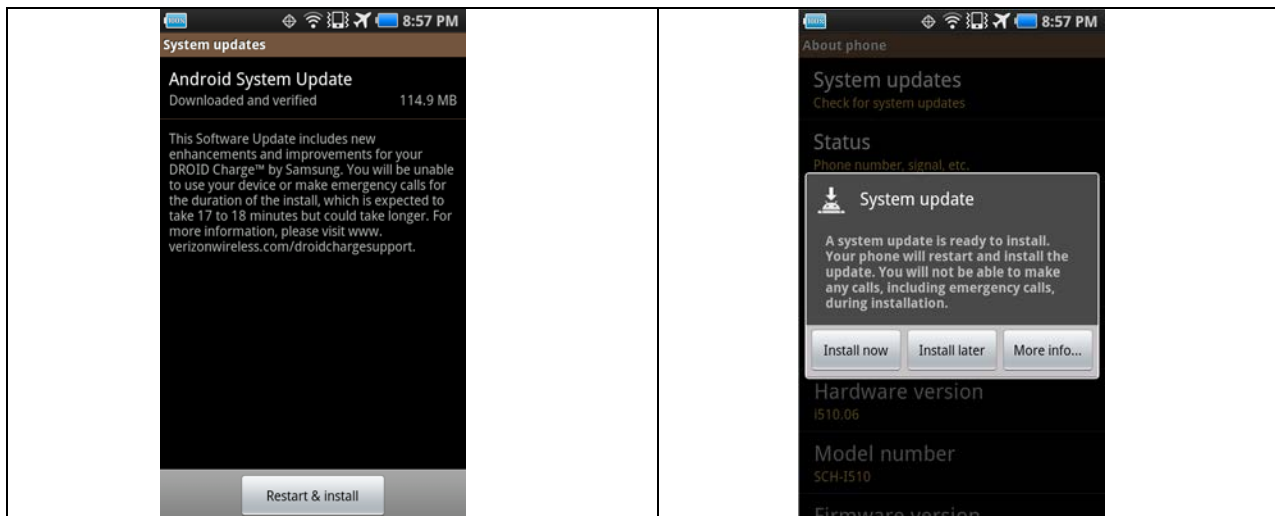
23 Defendants.  
 24

Case No. 11-cv-01846-LHK

**APPLE'S STATEMENT REGARDING  
 UPDATES AND PATCHES THAT  
 RELATE TO ATTEMPTS TO DESIGN  
 AROUND THE PATENTS-IN-SUIT**

1 In accordance with the Court's order in Dkt. No. 1844, Apple states the following.

2 To the best of Apple's knowledge, design arounds were not automatically installed on the  
3 accused Samsung products used in this litigation. Instead, notifications like those depicted below  
4 appeared periodically to prompt users to install updates.



14 Manually updating Samsung phones to Android version 2.3.5 or above resulted in the  
15 appearance of the "blue glow" design around for the '381 patent that was excluded by Judge  
16 Grewal. (Dkt. No. 898 at 9.) Because certain accused Samsung products in evidence have active  
17 mobile data connections that will cause those devices to connect to the Internet any time those  
18 devices are powered on, the instruction to decline update requests should be provided to the jury  
19 out of an abundance of caution.

20 With respect to the accused Apple products, there are no updates or patches that attempt to  
21 design around the Samsung patents-in-suit.

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23 Dated: August 20, 2012

MORRISON & FOERSTER LLP

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25 By: /s/ Michael A. Jacobs  
26 Michael A. Jacobs