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13	UNITED STATES DISTRICT COURT	
14	NORTHERN DISTRICT OF CALIFORNIA	
15	SAN JOSE DIVISION	
16		
17	APPLE INC., a California corporation,	Case No. 11-cv-01846-LHK
18	Plaintiff,	APPLE'S STATEMENT REGARDING UPDATES AND PATCHES THAT
19	v.	<b>RELATE TO ATTEMPTS TO DESIGN</b> <b>AROUND THE PATENTS-IN-SUIT</b>
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 24	Defendants.	
2 <del>4</del> 25		
26		
27		
28		
APPLE'S STATEMENT RE: UPDATES AND PATCHES THAT RELATE TO DESIGN AROUS CASE NO. 11-cv-01846-LHK sf-3185307		TE TO DESIGN AROUND ATTEMPTS

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In accordance with the Court's order in Dkt. No. 1844, Apple states the following. To the best of Apple's knowledge, design arounds were not automatically installed on the

accused Samsung products used in this litigation. Instead, notifications like those depicted below
appeared periodically to prompt users to install updates.

🔤 🔶 🎅 🛄 🛪 🥌 8:57 PM System updates	🧰 🔶 奈 記 🛪 🧰 8:57 PM About phone
Android System Update Downloaded and verified 114.9 MB	System updates Check for system updates
This Software Update includes new enhancements and improvements for your DROID Charge <sup>IM</sup> by Samsung. You will be unable to use your device or make emergency calls for the duration of the install, which is expected to	Status Phone number, signal, etc.
take 17 to 18 minutes but could take longer. For more information, please visit www. verizonwireless.com/droidchargesupport.	A system update is ready to install. Your phone will restart and install the update. You will not be able to make any calls, including emergency calls,
	during installation. Install now Install later More info
	Hardware version
	Model number
Restart & install	scH-Isto

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. 22

Dated: August 20, 2012 MORRISON & FOERSTER LLP
By: <u>/s/ Michael A. Jacobs</u> Michael A. Jacobs
AppLe's STATEMENT RE: UPDATES AND PATCHES THAT RELATE TO DESIGN AROUND ATTEMPTS CASE NO. 11-cv-01846-LHK sf-3185307