

EXHIBIT X
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November 29, 2011

VIA ELECTRONIC MAIL

Mia Mazza
Morrison & Foerster
425 Market Street
San Francisco, California 94105-2482

Re: *Apple v. Samsung Elecs. Co. et al.*, Case No. 11-cv-1846 LHK (N.D. Cal.)

Dear Mia:

We have a number of concerns about the search terms Apple used to locate and produce documents prior to its inventors' depositions. The lists of terms in Apple's corrected disclosures, which were sent to us on November 15, 2011, are inadequate, not to mention inconsistent. Some of the most obvious search terms are missing, and it appears that no list was ever created or used for at least three patents. Here are some of the major problems we identified:

Design Patent Deficiencies

- There were no search terms created for the D305, D334, or D790 patents, all of which relate to the graphical user interface. Instead, List 10 was applied to the inventors of these patents, but that list includes words related to exterior hardware designs (e.g., bezel, speaker, border, screen, etc.), not graphics or screen layouts. The graphic user interface inventors, Mr. Chaudhri and Mr. Anzures, were not listed as inventors on any of the hardware design patents. (And although List 2 was also applied to Mr. Chaudhri, it relates to utility patents, not design patents.) It therefore appears that there were no search terms used — and therefore no documents produced — that relate to the user interface layouts depicted in D305,

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D334, or D790.

- There were also no search terms relating to Apple's asserted icon trademarks, which Mr. Chaudhri and Mr. Anzures both testified to having created, or helped create. We have included some search terms at the end of this letter that should have been used for Mr. Anzures and Mr. Chaudhri dealing with the graphic user interface design patents and the icons they depict.
- No design terms at all were applied to the inventors of the D087, D677, D270, and D889 patents. List 9, which was the only one applied to the inventors of these four patents, only contains product and code names. Running just these terms would miss any emails and documents where design components were discussed without reference to one of the listed names. At the least, List 10, *without the product name or code name restrictions*, should have been applied to all the design inventors who had List 9 applied to them. (As mentioned above, List 10 was applied to the wrong inventors.) Some additional search terms that also should have been applied to the inventors of the D087, D677, D270, and D889 patents are listed at the end of this letter.

Utility Patent Deficiencies

- Lists 1 and 2, related to the '163 patent, fail to mention "translating" or "panning," even though "translating" was added during prosecution.
- Lists 2 and 3 fail to include variations on the word "translucent" such as "translucence" and "translucency", despite being applied to Mr. Chaudhri and Mr. Ording for the '891 patent. The lists should include at least "translucen!"
- Lists 2 and 3 also do not include the term "overlay" even though both Mr. Chaudhri and Mr. Ording described the '891 invention as an "overlay" during their depositions.
- List 3, related to '381, fails to mention "panning."
- List 4, which is related to the '828 patent, fails to include any search terms for the alleged second embodiment disclosed in the patent.
- List 4 is also missing the most obvious search terms to the '828 patent, such as "unitary transformation."
- For the '129 and '607 patents (Lists 5 and 7), Apple applied the search term "mutually /10 capacitive," but this is not the correct term as used in the patent to describe the technology. The correct term is "mutual capacitance."

General Deficiencies

- The names of managers, patent prosecutors, and others who were involved in the inventions are missing from the lists.
- The lists fail to include search terms related to dependent claims.
- The patent numbers are missing from every list except List 3.

Apple's search term choices have limited its production to a tiny fraction of the responsive materials that should have been produced. By December 1, 2011 please confirm that Apple will re-run proper searches, including but not limited to rectifying the deficiencies outlined above. These searches should be completed and responsive documents produced by December 6, 2011. Samsung reserves all rights to seek other relief — including re-opening depositions — appropriate in light of the circumstances.

Best regards,

/s/ Marissa R. Ducca

Marissa R. Ducca

cc: Todd Briggs
Alan Whitehurst
Vicki Maroulis
Rachel Herrick Kassabian

ADDENDUM

Some Search Terms for D305, D334, and D790:

grid
array
rows
columns
"round rec"
"round rect"
telephone near/20 icon
telephone near/20 metaphor
phone near/20 icon

phone near/20 metaphor
flower near/20 photo!
flower near/20 picture
flower near/20 icon
flower near/20 metaphor
photo! near/20 icon
picture near/20 icon
album near/20 icon
cd near/20 icon
cd near/20 metaphor
music near/20 icon
music near/20 metaphor
starburst near/20 icon
starburst near/20 metaphor
sunburst near/20 icon
sunburst near/20 metaphor
note near/20 icon
note near/20 metaphor
notepad near/20 icon
notepad near/20 metaphor
memo near/20 icon
memo near/20 metaphor
sticky near/20 icon
sticky near/20 metaphor
post-it near/20 icon
post-it near/20 metaphor
text near/20 icon/metaphor
text near/20 metaphor
IM near/20 icon/metaphor
IM near/20 metaphor
message near/20 icon/metaphor
message near/20 metaphor
bubble near/20 icon
bubble near/20 metaphor
SMS near/20 icon
SMS near/20 metaphor
gear! near/20 icon
gear! near/20 metaphor
settings near/20 icon
settings near/20 metaphor
contact! near/20 icon
contact! near/20 metaphor
address! near/20 icon
address! near/20 metaphor
book! near/20 metaphor

book! near/20 icon
rectang! near/20 container
rectang! near/20 box
round! /5 rect!
square near/20 container
square near/20 box
round! /5 square!
dock
constant near/20 row
stationary near/20 row
constant near/20 icon
stationary near/20 row
dot near/20 row
dot near/20 screen
dot near/20 orient
concept near/20 page
status near/5 bar
springboard
homescreen
target
intent
intention

Some Search Terms for D087, D677, D270, and D889:

corner
radius
radii
spline
front /5 smooth
front /5 flat
front /5 black
surface /5 smooth
surface /5 flat
surface /5 black
cover /5 glass
mask
nonthreaten! or non-threaten!
speaker!
vent!
earpiece
slot
bezel
border

look
feel
ornament!
minimal!
Simpl!
calm
balance!
friendly
thin
slim
sleek
light
concept
target
intent
intend
chamfer
button
round! /5 corner!