

EXHIBIT 11

1 HAROLD J. MCELHINNY (CA SBN 66781) hmcclhinny@mofo.com
 2 MICHAEL A. JACOBS (CA SBN 111664) mjacobs@mofo.com
 3 JENNIFER LEE TAYLOR (CA SBN 161368) jtaylor@mofo.com
 4 ALISON M. TUCHER (CA SBN 171363) atucher@mofo.com
 5 RICHARD S.J. HUNG (CA SBN 197425) rhung@mofo.com
 6 JASON R. BARTLETT (CA SBN 214530) jasonbartlett@mofo.com
 7 MORRISON & FOERSTER LLP
 425 Market Street
 8 San Francisco, California 94105-2482
 Telephone: (415) 268-7000
 9 Facsimile: (415) 268-7522

WILLIAM F. LEE
 william.lee@wilmerhale.com
 WILMER CUTLER PICKERING
 HALE AND DORR LLP
 60 State Street
 Boston, MA 02109
 Telephone: (617) 526-6000
 Facsimile: (617) 526-5000

MARK D. SELWYN (SBN 244180)
 mark.selwyn@wilmerhale.com
 WILMER CUTLER PICKERING
 HALE AND DORR LLP
 950 Page Mill Road
 Palo Alto, California 94304
 Telephone: (650) 858-6000
 Facsimile: (650) 858-6100

10 Attorneys for Plaintiff and
 Counterclaim-Defendant APPLE INC

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

16 APPLE INC., a California corporation,

17 Plaintiff,

18 v.

19 SAMSUNG ELECTRONICS CO., LTD., a
 Korean business entity; SAMSUNG
 20 ELECTRONICS AMERICA, INC., a New York
 corporation; SAMSUNG
 21 TELECOMMUNICATIONS AMERICA, LLC, a
 Delaware limited liability company,

22 Defendants.
 23

Case No. 11-cv-01846-LHK

**APPLE INC.'S RESPONSES TO
 SAMSUNG'S FOURTH AND FIFTH
 SETS OF REQUESTS FOR ADMISSION**

1 **REQUEST FOR ADMISSION NO. 1823:**

2 Admit that U.S. Patent Appl. No. 686,020 is based on a continuation application that was
3 filed on August 21,1995.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 1823:**

5 Apple admits Request No. 1823.

6 **REQUEST FOR ADMISSION NO. 1824:**

7 Admit that U.S. Patent No. 5,835,721 was issued by the U.S. Patent and Trademark Office
8 on November 10, 1998.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 1824:**

10 Apple admits Request No. 1824.

11 **REQUEST FOR ADMISSION NO. 1825:**

12 Admit that ETSI TS 101 349 V8.27.0 is a technical specification produced by ETSI 3rd
13 Generation Partnership (3GPP).

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 1825:**

15 Apple admits that ETSI TS 101 349 V8.27.0 (2005-09) states “This Technical
16 Specification (TS) has been produced by ETSI 3rd Generation Partnership Project (3GPP).”

17 **REQUEST FOR ADMISSION NO. 1826:**

18 Admit that the document produced as S-ITC-003127030 – S-ITC-00312703 is a copy of
19 the ETSI TS 101 349 V8.27.0 Technical Specification.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 1826:**

21 Apple denies Request No. 1826; the indicated bates range is invalid.

22 **REQUEST FOR ADMISSION NO. 1827:**

23 Admit that ETSI TS 101 349 V8.27.0 was also known as 3GPP TS 04.60 version 8.27.0
24 Release 1999.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 1827:**

26 Apple admits Request No. 1827.

27 **REQUEST FOR ADMISSION NO. 1828:**

28 Admit that 3GPP TS 04.60 Release 1999 was frozen at a meeting on December 17, 1999.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 1828:**

2 Apple admits Request No. 1828.

3 **REQUEST FOR ADMISSION NO. 1829:**

4 Admit that ETSI TS 123 060 V5.7.0 was published in September 2005.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 1829:**

6 Apple denies Request No. 1829.

7 **REQUEST FOR ADMISSION NO. 1830:**

8 Admit that APPLE disclosed U.S. Patent No. 5,835,721 as essential, or likely to become
9 essential, with respect to the ETSI TS 101 349 V8.27.0 Technical Specification more than twenty
10 two months after the technical specification was published.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 1830:**

12 Apple admits Request No. 1830, but denies that such disclosure was untimely under the
13 relevant facts and circumstances.

14 **REQUEST FOR ADMISSION NO. 1831:**

15 Admit that APPLE timely disclosed U.S. Patent No. 5,835,721 to ETSI with respect to the
16 ETSI TS 101 349 V8.27.0 Technical Specification.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 1831:**

18 Apples admits that, under the relevant facts and circumstances, it timely disclosed U.S.
19 Patent No. 5,835,721 to ETSI with respect to the ETSI TS 101 349 V8.27.0 Technical
20 Specification.

21 **REQUEST FOR ADMISSION NO. 1832:**

22 Admit that APPLE did not timely disclose U.S. Patent No. 5,835,721 to ETSI with respect
23 to the ETSI TS 101 349 V8.27.0 Technical Specification.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 1832:**

25 Apples denies that, under the relevant facts and circumstances, it did not timely disclose
26 U.S. Patent No. 5,835,721 to ETSI with respect to the ETSI TS 101 349 V8.27.0 Technical
27 Specification.

1 **REQUEST FOR ADMISSION NO. 1842:**

2 Admit that the November 2011 IPR Information Statement and Licensing Declaration (see
3 S-ITC-003126942 – S-ITC-003126968) disclosed U.S. Patent No. 5,835,721 as essential, or
4 likely to become essential, with respect to ETSI Technical Specification, 3GPP TS 04.60 V8.27.0.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 1842:**

6 Apple admits that November 2011 IPR Information Statement and Licensing Declaration
7 (see S-ITC-003126942 – S-ITC-003126968) disclosed that Apple believed that U.S. Patent No.
8 5,835,721 was essential, or was likely to become essential, with respect to ETSI Technical
9 Specification, 3GPP TS 04.60 V8.27.0.

10 **REQUEST FOR ADMISSION NO. 1843:**

11 Admit that 3GPP TS 04.60 V8.27.0 is a technical specification produced by ETSI 3rd
12 Generation Partnership (3GPP).

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 1843:**

14 Apple admits Request No. 1843.

15 **REQUEST FOR ADMISSION NO. 1844:**

16 Admit that the document produced as S-ITC-003127030 – S-ITC-00312703 is a copy of
17 the 3GPP TS 04.60 V8.27.0 Technical Specification.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 1844:**

19 Apple denies Request No. 1844; the indicated bates range is invalid.

20 **REQUEST FOR ADMISSION NO. 1845:**

21 Admit that 3GPP TS 04.60 V8.27.0 was published in September 2005.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 1845:**

23 Apple admits Request No. 1844.

24 **REQUEST FOR ADMISSION NO. 1846:**

25 Admit that APPLE disclosed U.S. Patent No. 5,835,721 as essential, or likely to become
26 essential, with respect to the 3GPP TS 04.60 V8.27.0 Technical Specification more than six years
27 after the technical specification was published.

1 **RESPONSE TO REQUEST FOR ADMISSION NO. 1846:**

2 Apple admits Request No. 1846, but denies that such disclosure was untimely under the
3 relevant facts and circumstances.

4 **REQUEST FOR ADMISSION NO. 1847:**

5 Admit that APPLE timely disclosed U.S. Patent No. 5,835,721 to ETSI with respect to the
6 3GPP TS 04.60 V8.27.0 Technical Specification.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 1847:**

8 Apples admits that under the relevant facts and circumstances it timely disclosed U.S.
9 Patent No. 5,835,721 to ETSI with respect to the 3GPP TS 04.60 V8.27.0 Technical
10 Specification.

11 **REQUEST FOR ADMISSION NO. 1848:**

12 Admit that APPLE did not timely disclose U.S. Patent No. 5,835,721 to ETSI with respect
13 to the 3GPP TS 04.60 V8.27.0 Technical Specification.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 1848:**

15 Apples denies that under the relevant facts and circumstances it did not timely disclose
16 U.S. Patent No. 5,835,721 to ETSI with respect to the 3GPP TS 04.60 V8.27.0 Technical
17 Specification.

18 **REQUEST FOR ADMISSION NO. 1849:**

19 Admit that all companies that make products in compliance with the 3GPP TS 04.60
20 V8.27.0 Technical Specification are presently licensed by APPLE under U.S. Patent No.
21 5,835,721.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 1849:**

23 Apple admits that, if, as Apple contends, a declaration in accordance with Clause 6.1 of
24 the ETSI IPR Policy, followed by a company implementing the Technical Specification to which
25 that patent is declared essential, establishes a binding license agreement with respect to that
26 patent, all companies that make products in compliance with the 3GPP TS 04.60 V8.27.0
27 Technical Specification are presently licensed by APPLE under U.S. Patent No. 5,835,721.
28 However, insofar as a commitment to license U.S. Patent No. 5,835,721 in accordance with

1 from a number conflicting design goals that includes the desirability of making the enclosure
2 lighter and thinner, the desirability of making the enclosure stronger and making the enclosure
3 more esthetically pleasing. The lighter enclosures, which typically use thinner plastic structures
4 and fewer fasteners, tend to be more flexible and therefore they have a greater propensity to
5 buckle and bow when used while the stronger and more rigid enclosures, which typically use
6 thicker plastic structures and more fasteners, tend to be thicker and carry more weight.
7 Unfortunately, however, the increased weight consistent with the more rugged enclosure can lead
8 to user dissatisfaction whereas bowing of enclosures formed of lightweight material can result in
9 damaging some of the internal components (such as printed circuit boards) of the portable device.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 2518:**

11 Apple objects to this request as irrelevant and, as phrased, not reasonably susceptible to a
12 response. Many representations were made on January 26, 2010 among Apple's tens of
13 thousands of employees around the world. Therefore, without any indication of where Samsung
14 identified the cited language, Apple lacks sufficient information to admit or deny this request.

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17 Dated: March 10, 2012

MORRISON & FOERSTER LLP

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19 By: /s/ Richard S.J. Hung
20 RICHARD S.J. HUNG
21 Attorneys for Plaintiff
22 APPLE INC.
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