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15 Attorneys for SAMSUNG ELECTRONICS
CO., LTD., SAMSUNG ELECTRONICS
16 AMERICA, INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
17

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

20 APPLE INC., a California corporation,
21 Plaintiff,

22 vs.

23 SAMSUNG ELECTRONICS CO., LTD., a
Korean business entity; SAMSUNG
24 ELECTRONICS AMERICA, INC., a New
York corporation; SAMSUNG
25 TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,
26 Defendants.
27

CASE NO. 11-cv-01846-LHK

**DECLARATION OF HEE-CHAN CHOI
IN SUPPORT OF SAMSUNG'S
OPPOSITION TO APPLE'S MOTION
FOR A PERMANENT INJUNCTION AND
DAMAGES ENHANCEMENT, AND
APPLE'S MOTION FOR JUDGMENT AS
A MATTER OF LAW (RENEWED), NEW
TRIAL, AND AMENDED JUDGMENT**

1 (Model No. SGH-I777), Gem (Model No. SCH-I100), Indulge (Model No. SCH-R910), Infuse 4G
2 (Model No. SGH-I997), Mesmerize (Model No. SCH-I500), Nexus S 4G (Model No. SPH-D720),
3 Replenish (Model No. SPH-M580), Showcase (Model No. SCH-I500), Transform (Model No.
4 SPH-M920), and Vibrant (Model No. SGH-T959).

5 5. SEC discontinued production of Captivate (Model No. SGH-I897) for sale
6 in the United States in December 2011. SEC discontinued production of Continuum (Model No.
7 SCH-I400) for sale in the United States in November 2011. SEC discontinued production of
8 Droid Charge (Model No. SCH-I510) for sale in the United States in August 2012. SEC
9 discontinued production of Epic 4G (Model No. SPH-D700) for sale in the United States in April
10 2012. SEC discontinued production of Exhibit 4G (Model No. SGH-T759) for sale in the United
11 States in May 2012. SEC discontinued production of Fascinate (Model No. SCH-I500) for sale in
12 the United States in August 2011. SEC discontinued production of Galaxy Prevail (Model No.
13 SPH-M820) for sale in the United States in September 2012. SEC discontinued production of
14 Galaxy S 4G (Model No. SGH-T959V) for sale in the United States in July 2012. SEC
15 discontinued production of Galaxy S II (AT&T) (Model No. SGH-I777) for sale in the United
16 States in June 2012. SEC discontinued production of Gem (Model No. SCH-I100) for sale in the
17 United States in November 2011. SEC discontinued production of Indulge (Model No. SCH-
18 R910) for sale in the United States in December 2011. SEC discontinued production of Infuse 4G
19 (Model No. SGH-I997) for sale in the United States in April 2012. SEC discontinued production
20 of Mesmerize (Model No. SCH-I500) for sale in the United States in May 2012. SEC
21 discontinued production of Nexus S 4G (Model No. SPH-D720) for sale in the United States in
22 November 2011. SEC discontinued production of Replenish (Model No. SPH-M580) for sale in
23 the United States in April 2012. SEC discontinued production of Showcase (Model No. SCH-
24 I500) for sale in the United States in July 2012. SEC discontinued production of Transform
25 (Model No. SPH-M920) for sale in the United States in August 2011. SEC discontinued
26 production of Vibrant (Model No. SGH-T959) for sale in the United States in April 2011.

27 6. SEC currently produces white models of the Galaxy S II Skyrocket (Model
28 No. SGH-I727) for sale in the United States. SEC has discontinued production of the current

1 black models of Galaxy S II Skyrocket (Model No. SGH-I727) for sale in the United States. SEC
2 currently produces black and white models of Galaxy S II (T-Mobile) (Model No. SGH-T989) and
3 Galaxy S II Epic 4G Touch (Model No. SPH-D710) for sale in the United States. [REDACTED]

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]

9 7. As the assistant manager at R&D Management Group of the Mobile
10 Communications Division, I am also familiar with and have knowledge of SEC's production and
11 forecasts for production of certain tablet computers, including the Galaxy Tab 10.1 (WiFi) (Model
12 No. GT-P7510), Galaxy Tab 7.0 (WiFi) (Model No. SGT-P1010/UW16), Galaxy Tab 7.0 (3G)
13 (Model No. SCH-I800), and Galaxy Tab 7.0 (3G) (Model No. SGH-T849).

14 8. SEC has discontinued production of and [REDACTED]
15 [REDACTED]

16 9. SEC discontinued production of Galaxy Tab 10.1 (WiFi) (Model No. GT-
17 P7510) for sale in the United States in December 2011. SEC discontinued production of Galaxy
18 Tab 7.0 (WiFi) (Model No. SGT-P1010/UW16) for sale in the United States in May 2011. SEC
19 discontinued production of Galaxy Tab 7.0 (3G) (Model No. SCH-I800) for sale in the United
20 States in June 2012. SEC discontinued production of Galaxy Tab 7.0 (3G) (Model No. SGH-
21 T849) for sale in the United States in July 2011. Attached hereto as **Exhibit 1** is a true and
22 correct copy of a table listing end of production dates for the products listed in the preceding
23 paragraphs.

24 10. I understand that Apple accused the Web Browser, Gallery and Contacts
25 applications in certain Samsung products of infringing the '381 patent because of the "snap back"
26 or "bounce back" functionality that occurs when a user reaches the end of a document.

27 11. SEC has implemented software that designs around the '381 patent.

28

1 12. In products that implement the design around software, when a user reaches
2 the end of a document, there is no “bounce back” functionality. The user instead sees a colored
3 “glow” indicating they have reached the end of the document.

4 13. I understand that Apple accused the Web Browser application in certain
5 Samsung products of infringing the ’915 patent because of functionality in the source code that
6 distinguishes between a single input point and two or more input points to determine whether to
7 invoke a scroll operation or a gesture operation.

8 14. SEC has implemented software that designs around the ’915 patent.

9 15. In products that implement the design around software, the source code has
10 been changed such that it does not distinguish between a single input point and two or more input
11 points to determine whether to invoke a scroll operation or a gesture operation.

12 16. I understand that Apple accused the Web Browser application in certain
13 Samsung products accused of infringing the ’163 patent because of functionality that (1) enlarges
14 and centers a first area in a webpage in response to a first gesture (*e.g.*, a single or double tap), and
15 (2) after the first area has been enlarged and centered, centers a second area on the webpage in
16 response to a second gesture (*e.g.*, a single or double tap).

17 17. SEC has implemented software that designs around the ’163 patent.

18 18. In products that implement the design around software, a user can enlarge
19 and center a first area in a webpage in response to a first gesture. However, after the first area has
20 been enlarged and centered, the second area will not be centered in response to a second gesture.

21 19. I understand that the source code relating to the design arounds to the ’381,
22 ’915 and ’163 patents was used to generate the following version of software which runs on
23 Galaxy S II (T-Mobile) devices: Android version 4.0.4, Baseband version T989UVL11, Kernel
24 version 3.0.8, and Build number IMM76D.UVL11.

25 20. I understand that the jury found that black models of Galaxy S II (T-
26 Mobile) (Model No. SGH-T989) and Galaxy S II Epic 4G Touch (Model No. SPH-D710)
27 infringe the D’677 patent. [REDACTED]

28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 21. I understand that Apple accused certain Samsung products of infringing the
7 D'305 patent, and specifically the application screens within the graphical user
8 interface. Samsung maintains that the prior versions were not infringing, but prior to the trial in
9 this action SEC developed an updated version of the software to design around the D'305 patent
10 by changing the look of the application screen and icons. Firmware Version 2.3.6 updated those
11 application screens to remove the uniformly square containers from behind the icons so that the
12 icons have many different shapes. SEC implemented these changes on the Droid Charge (Model
13 No. SCH-I510), Epic 4G (Model No. SPH-D700), and Infuse 4G (Model No. SGH-I997)
14 produced from the time the carriers approved them until their discontinuance.

15 22. It is normal practice for SEC to begin shipping products incorporating a
16 design around within 7 days of carrier approval.

17 I declare under penalty of perjury under the laws of the United States of America
18 that the foregoing is true and correct.

19 Executed October 19, 2012, at Suwon, Korea.

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EXHIBIT 1

Model No.	Marketing Name	EOP Date (or Expected Date)
SGH-I897	Captivate	December 2011
SCH-I400	Continuum	November 2011
SCH-I510	Droid Charge	August 2012
SPH-D700	Epic 4G	April 2012
SGH-T759	Exhibit 4G	May 2012
SCH-I500	Fascinate	August 2011
S5830L	Galaxy Ace	n/a
SPH-M820	Galaxy Prevail	September 2012
SGH-T959V	Galaxy S 4G	July 2012
SGH-I9000	Galaxy S I9000	n/a
SGH-I777	Galaxy S II (AT&T)	June 2012
GT-i9100	Galaxy S II (i9100)	n/a
GT-P7510	Galaxy Tab 10.1 (WiFi)	December 2011
SGT-P1010/UW16	Galaxy Tab 7.0 (WiFi)	May 2011
SCH-I800	Galaxy Tab 7.0 (3G)	June 2012
SGH-T849	Galaxy Tab 7.0 (3G)	July 2011
SCH-I100	Gem	November 2011
SCH-R910	Indulge	December 2011
SGH-I997	Infuse 4G	April 2012
SCH-I500	Mesmerize	May 2012
SPH-D720	Nexus S 4G	November 2011
SPH-M580	Replenish	April 2012
SCH-I500	Showcase	July 2012
SPH-M920	Transform	August 2011
SGH-T959	Vibrant	April 2011
SGH-i727	Galaxy S II Skyrocket Black Version	██████████
SGH-T989	Galaxy S II (T-Mobile) Black Version	██████████
SGH-T989	Galaxy S II (T-Mobile) White Version	██████████
SPH-D710	Galaxy S II Epic 4G Touch Black Version	██████████
SPH-D710	Galaxy S II Epic 4G Touch White Version	██████████