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22 Attorneys for SAMSUNG ELECTRONICS CO.,

23 LTD., SAMSUNG ELECTRONICS AMERICA,

24 INC. and SAMSUNG

25 TELECOMMUNICATIONS AMERICA, LLC

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

24 Korean business entity; SAMSUNG

25 ELECTRONICS AMERICA, INC., a New

26 York corporation; SAMSUNG

27 TELECOMMUNICATIONS AMERICA,

28 LLC, a Delaware limited liability company,

Defendants.

CASE NO. 11-cv-01846-LHK

STATEMENT OF RECENT DECISION

BY UNITED STATES PATENT AND

TRADEMARK OFFICE REGARDING

U.S. PATENT NO. 7,844,915

(L.R. 7-3(d))

1 Pursuant to Local Rule 7-3(d), Defendants Samsung Electronics Co., Ltd., Samsung
2 Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively
3 “Samsung”) bring to the Court’s attention an Office Action by the United States Patent and
4 Trademark Office (“USPTO”) in the *ex parte* reexamination of U.S. Patent Number 7,844,915
5 dated December 19, 2012. This Office Action is relevant to Samsung's Motion for Judgment as a
6 Matter of Law, New Trial and/or Remittitur (Dkt No. 1990) and Samsung's Opposition to Apple’s
7 Motion for a Permanent Injunction and Damages Enhancement (Dkt No. 2054) because it rejects
8 all claims, including Claim 8, the only claim at issue at trial in this action.

9 The claims were rejected under 35 U.S.C. §§ 102 and 103 based on U.S. Patent No.
10 7,724,242 to Hillis et al. (“Hillis”), International Pub. No. WO 03/081458 to Lira (“Lira”), U.S.
11 Patent No. 6,757,673 to Makus et al. (“Makus”), Japanese Pub. No. 2000-163031A to Nomura et
12 al. (English translation) (“Nomura”), and Dean Harris Rubine, “The Automatic Recognition of
13 Gestures,” CMU-CS-91-202, December 1991 (“Rubine”). The USPTO rejected the claims on the
14 following grounds:

15 **Ground 1:** Claims 1, 5-8, 12-15 and 19-21 are rejected under 35 U.S.C. § 102(e) as
16 anticipated by Hillis.

17 **Ground 2:** Claims 2, 9 and 16 are rejected under 35 U.S.C. § 103(a) as unpatentable over
18 Hillis in view of Lira.

19 **Ground 3:** Claims 3, 4, 10, 11, 17 and 18 are rejected under 35 U.S.C. § 103(a) as
20 unpatentable over Hillis in view of Makus.

21 **Ground 4:** Claims 1, 5-8, 12-15 and 19-21 are rejected under 35 U.S.C. § 103(a) as
22 unpatentable over Nomura in view of Rubine.

23 **Ground 5:** Claims 2, 9 and 16 are rejected under 35 U.S.C. § 103(a) as unpatentable over
24 Nomura in view of Rubine and further in view of Lira.

25 **Ground 6:** Claims 3, 4, 10, 11, 17 and 18 are rejected under 35 U.S.C. § 103(a) as
26 unpatentable over Nomura in view of Rubine and further in view of Makus.

27 A copy of the Office Action is attached hereto as Exhibit A.
28

1 DATED: December 19, 2012

QUINN EMANUEL URQUHART &
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2 By /s/ Victoria F. Maroulis

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8 LTD., SAMSUNG ELECTRONICS AMERICA,
9 INC., and SAMSUNG
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