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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 APPLE INC., a California corporation,

13 Plaintiff,

14 v.

15 SAMSUNG ELECTRONICS CO., LTD., a
 Korean corporation; SAMSUNG
 16 ELECTRONICS AMERICA, INC., a New
 York corporation; SAMSUNG
 17 TELECOMMUNICATIONS AMERICA,
 LLC, a Delaware limited liability company.

18 Defendants.
 19
 20

Case No. **CV 11 1846**
JURY TRIAL DEMAND

**COMPLAINT FOR PATENT
 INFRINGEMENT, FEDERAL FALSE
 DESIGNATION OF ORIGIN AND
 UNFAIR COMPETITION, FEDERAL
 TRADEMARK INFRINGEMENT,
 STATE UNFAIR COMPETITION,
 COMMON LAW TRADEMARK
 INFRINGEMENT, AND UNJUST
 ENRICHMENT**

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By Fax

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1 Plaintiff Apple Inc. (“Apple”) complains and alleges as follows against Defendants
2 Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung
3 Telecommunications America, LLC (collectively “Samsung”).

4 THE NATURE OF THE ACTION

5 1. Apple revolutionized the telecommunications industry in 2007 when it introduced
6 the wildly popular iPhone, a product that dramatically changed the way people view mobile
7 phones. Reviewers, analysts and consumers immediately recognized the iPhone as a “game
8 changer.” Before the iPhone, cell phones were utilitarian devices with key pads for dialing and
9 small, passive display screens that did not allow for touch control. The iPhone was radically
10 different. In one small and lightweight handheld device, it offered sophisticated mobile phone
11 functions, a multi-touch screen that allows users to control the phone with their fingers, music
12 storage and playback, a mobile computing platform for handheld applications, and full access to
13 the Internet. These features were combined in an elegantly designed product with a distinctive
14 user interface, icons, and eye-catching displays that gave the iPhone an unmistakable look.

15 2. Those design features were carried over to the iPod touch, another product that
16 Apple introduced in 2007. The iPod touch has a product configuration and physical appearance
17 that is virtually identical to the iPhone. Moreover, the iPod touch utilizes the same user interface
18 icons and screen layout as the iPhone, displaying the unmistakable iPhone appearance.

19 3. Apple introduced another revolutionary product, the iPad, in 2010. The iPad is an
20 elegantly designed computer tablet with a color touch screen, a user interface reminiscent of the
21 iPhone’s user interface, and robust functionality that spans both mobile computing and media
22 storage and playback. Because of its innovative technology and distinctive design, the iPad
23 achieved instant success.

24 4. Apple’s creative achievements have resulted in broad intellectual property
25 protection for Apple’s innovations, including utility and design patents, trademarks, and trade
26 dress protection. Nevertheless, Apple’s innovations have been the subject of widespread
27 emulation by its competitors, who have attempted to capitalize on Apple’s success by imitating
28 Apple’s innovative technology, distinctive user interfaces, and elegant and distinctive product

1 design. One of the principal imitators is Samsung, which recently introduced the Galaxy line of
2 mobile phones and Galaxy Tab computer tablet, all of which use the Google Android operating
3 system, to compete with the iPhone and iPad. Instead of pursuing independent product
4 development, Samsung has chosen to slavishly copy Apple's innovative technology, distinctive
5 user interfaces, and elegant and distinctive product and packaging design, in violation of Apple's
6 valuable intellectual property rights. As alleged below in detail, Samsung has made its Galaxy
7 phones and computer tablet work and look like Apple's products through widespread patent and
8 trade dress infringement. Samsung has even misappropriated Apple's distinctive product
9 packaging.

10 5. By this action, Apple seeks to put a stop to Samsung's illegal conduct and obtain
11 compensation for the violations that have occurred thus far.

12 THE PARTIES

13 6. Apple is a California corporation having its principal place of business at 1 Infinite
14 Loop, Cupertino, California 95014.

15 7. Samsung Electronics Co., Ltd. (referred to individually herein as "SEC") is a
16 Korean corporation with its principal offices at 250, 2-ga, Taepyong-ro, Jung-gu, Seoul, 100-742,
17 South Korea. On information and belief, SEC is South Korea's largest company and one of
18 Asia's largest electronics companies. SEC designs, manufactures, and provides to the U.S. and
19 world markets a wide range of products, including consumer electronics, computer components
20 and myriad mobile and entertainment products.

21 8. Samsung Electronics America, Inc. (referred to individually herein as "SEA") is a
22 New York corporation with its principal place of business at 105 Challenger Road, Ridgefield
23 Park, New Jersey 07660. On information and belief, SEA was formed in 1977 as a subsidiary of
24 SEC, and markets, sells, or offers for sale a variety of consumer electronics, including TVs,
25 VCRs, DVD and MP3 players, and video cameras, as well as memory chips and computer
26 accessories, such as printers, monitors, hard disk drives, and DVD/CD-ROM drives. On
27 information and belief, SEA also manages the North American operations of Samsung
28 Telecommunications America, Samsung Electronics Canada, and Samsung Electronics Mexico.

BACKGROUND**APPLE'S INNOVATIONS**

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2
3 13. Apple is a leading designer and manufacturer of mobile communication devices,
4 personal computers, and portable digital media players. As a result of its significant investment
5 in research and development, Apple has developed innovative technologies that have changed the
6 face of the computer and telecommunications industries. One such pioneering technology is
7 Apple's Multi-Touch™ user interface, which allows users to navigate their iPhone, iPod touch,
8 and iPad devices by tapping and swiping their fingers on the screen.

9 14. In 2007, Apple revolutionized the telecommunications industry when it introduced
10 the iPhone. The iPhone combined in one small and lightweight handheld device sophisticated
11 mobile phone functions, media storage and playback, a tactile user interface that allows users to
12 control the phone with their fingers, mobile computing power to run diverse pre-installed and
13 downloadable applications, and functionality to gain full access to the Internet. These features
14 were combined in an elegant glass and stainless steel case with a distinctive user interface that
15 gave the iPhone an immediately recognizable look.

16 15. As a direct result of its innovative and distinctive design and its cutting edge
17 technological features, the iPhone was an instant success, and it immediately became uniquely
18 associated with Apple as its source. Reviewers and analysts universally praised the iPhone for its
19 “game changing” features. *Time Magazine* listed the iPhone number one on its List of Top Ten
20 Gadgets for 2007, noting that “[t]he iPhone changed the way we think about how mobile media
21 devices should look, feel and perform.” *The New York Times* called it “revolutionary.” As of
22 March 2011, more than 108 million iPhones had been sold worldwide.

23 16. Also in 2007, Apple launched the iPod touch, a digital music player. The iPod
24 touch incorporated the distinct style of the iPhone and also became an immediate success. By
25 March 2011, Apple had sold over 60 million units.

26 17. After introducing the iPhone, Apple continued to innovate and achieve success
27 with a series of pioneering designs—more sophisticated, advanced versions of the iPhone, and
28 then, in 2010, the iPad. The iPad is a computer tablet with a color 9.7-inch touch screen that

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