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APPLE INC.

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.  
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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**

**By Fax**

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FILED  
APR 15 2011  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

LB

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.

10. This Court has subject matter jurisdiction under 15 U.S.C. § 1121 (action arising under the Lanham Act); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1338(a) (any Act of Congress relating to patents or trademarks); 28 U.S.C. § 1338(b) (action asserting claim of unfair competition joined with a substantial and related claim under the trademark laws); and 28 U.S.C. § 1367 (supplemental jurisdiction).

11. This Court has personal jurisdiction over SEC, SEA and STA because each of these Samsung entities has committed and continues to commit acts of infringement in violation of 35 U.S.C. § 271 and 15 U.S.C. § 1114 and 1125, and places infringing products into the stream of commerce, with the knowledge or understanding that such products are sold in the State of California, including in this District. The acts by SEC, SEA and STA cause injury to Apple within this District. Upon information and belief, SEC, SEA and STA derive substantial revenue from the sale of infringing products within this District, expect their actions to have consequences within this District, and derive substantial revenue from interstate and international commerce.

12. Venue is proper within this District under 28 U.S.C. §§ 1391(b) and (c) because Samsung transacts business within this district and offers for sale in this district products that infringe the Apple patents, trade dress, and trademarks. In addition, venue is proper because Apple's principal place of business is in this district and Apple suffered harm in this district. Moreover, a substantial part of the events giving rise to the claim occurred in this district. Pursuant to Local Rule 3-2(c), Intellectual Property Actions are assigned on a district-wide basis.

## BACKGROUND

### APPLE'S INNOVATIONS

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

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

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

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

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

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