침해분쟁대비 미국특허분석

2013. 1. 17

해강특허법률사무소

1 삼성 Vs 애플 특허 소송

1. 삼성 Vs Apple 소송 경과

2011. 4. 15
애플
캘리포니아 법원에
소제기

2011. 6. 30
삼성
캘리포니아 법원에
반소제기

2012. 8. 24
캘리포니아 법원 삼성
에 $ 1,049,393,540
배상 평결

소제기시 애플특허

Patent Number	Title
7,812,828 (the "'828 patent")	Ellipse Fitting For Multi-Touch Surfaces
7,669,134 (the "'134 patent")	Method and Apparatus For Displaying Information During An Instant Messaging Session
6,493,002 (the "'002 patent")	Method and Apparatus for Displaying and Accessing Control and Status Information in a Computer System
7,469,381 (the "'381 patent")	List Scrolling and Document Translation, Scaling and Rotation on a Touch-Screen Display
7,844,915 (the "'915 patent")	Application Programming Interfaces for Scrolling Operations
7,853,891 (the "'891 patent")	Method and Apparatus for Displaying a Window for a User Interface
7,863,533 (the "'533 patent")	Cantilevered Push Button Having Multiple Contacts and Fulcrums

Patent Number	Title
D627,790 (the "'D790 patent")	Graphical User Interface For a Display Screen or Portion Thereof
D602,016 (the "'D016 patent")	Electronic Device
D618,677 (the "'D677 patent")	Electronic Device

평결대상 애플특허

Patent Number	Title
7,469,381 (the "'381 patent")	List Scrolling and Document Translation, Scaling and Rotation on a Touch-Screen Display
7,844,915 (the "'915 patent")	Application Programming Interface for Scrolling Operations
7,864,163 (the "'163 patent")	Portable electronic device, method, and graphical user interface for displaying structure electronic documents
D504,889 (the "'D889 patent")	
D593,087 (the "'D087 patent")	
D618,677 (the "'D677 patent")	
D604,305 (the "'D305 patent")	

2. 삼성 Vs Apple 소송 결과

3. ’381 Patent (바운스 백)

19. A device, comprising:
a touch screen display;
one or more processors;
memory; and
one or more programs, wherein the one or more programs are stored in the memory and configured to be executed by the one or more processors, the programs including:
instructions for displaying a first portion of an electronic document:
instructions for detecting a movement of an object on or near the touch screen display;
instructions for translating the electronic document displayed on the touch screen display in a first direction to display a second portion of the electronic document, wherein the second portion is different from the first portion, in response to detecting the movement;
instructions for displaying an area beyond an edge of the electronic document and displaying a third portion of the electronic document, wherein the third portion is smaller than the first portion, in response to the edge of the electronic document being reached while translating the electronic document in the first direction while the object is still detected on or near the touch screen display; and
instructions for translating the electronic document in a second direction until the area beyond the edge of the electronic document is no longer displayed to display a fourth portion of the electronic document, wherein the fourth portion is different from the first portion, in response to detecting that the object is no longer on or near the touch screen display.

[청구항 19항]

터치 스크린 디스플레이;
하나 이상의 프로세서;
메모리; 및
하나 이상의 프로그램을 포함하는 장치로서,
상기 하나 이상의 프로그램은 상기 메모리에 저장되고 상기 하나 이상의 프로세서에 의해 실행되도록 구성되며,
상기 프로그램은,
전자 문서의 제1 부분을 디스플레이하기 위한 명령어;
상기 터치 스크린 디스플레이 상의 또는 이에 인접한 객체의 움직임을 감지하기 위한 명령어;
상기 움직임을 감지하는 것에 응답하여, 상기 터치 스크린 디스플레이 상에 디스플레이된 상기 전자 문서를 제1 방향으로 이동시켜 상기 제1 부분과 구별되는 상기 전자 문서의 제2 부분을 디스플레이하기 위한 명령어;
상기 객체가 상기 터치 스크린 디스플레이 상에서 또는 그 부근에서 여전히 감지되고 있는 채로 상기 전자 문서를 상기 제1 방향으로 이동시키는 동안 상기 전자 문서의 가장자리에 도달하는 것에 응답하여, 상기 전자 문서의 가장자리를 넘어선 영역을 디스플레이하고 상기 제1 부분보다 작은 상기 전자 문서의 제3 부분을 디스플레이하기 위한 명령어; 및
상기 객체가 상기 터치 스크린 디스플레이 상에서 또는 그 부근에서 더 이상 존재하지 않음을 감지하는 것에 응답하여, 상기 전자 문서를 상기 전자 문서의 가장자리를 넘어선 상기 영역이 더 이상 디스플레이되지 않을 때까지 제2 방향으로 이동시켜 상기 제1 부분과 구별되는 상기 전자 문서의 제4 부분을 디스플레이하기 위한 명령어를 포함하는 장치.

3. '381 Patent 용어 정의

- **U.S. Patent No. 7,469,381**

The term "displaying" means "showing or revealing to the viewer."

The term "electronic document" means "a document stored in a digital format." An "electronic document" includes, but is not limited to, a web page; a digital image; a word processing, spreadsheet or presentation document; or a list of items in a digital format. An electronic document need not be stored in a single file.

The term "first direction" does not require a strictly linear finger movement.

The term "edge of the electronic document" has its plain and ordinary meaning. An edge of an electronic document is not limited to an external edge and may be internal.

- '381 Patent의 독립항은 1, 19, 20항임
- '381 Patent에 대해 2012.5.23.자로 Ex Parte Reexamination (90/012,304) 청구됨

3. '381 Patent에 대한 평결

1. **For each of the following products, has Apple proven by a preponderance of the evidence that Samsung Electronics Co. (SEC), Samsung Electronics America (SEA), and/or Samsung Telecommunications America (STA) has infringed Claim 19 of the '381 Patent?**

(Please answer in each cell with a "Y" for "yes" (for Apple), or with an "N" for "no" (for Samsung). Do not provide an answer for any cell that is blacked out.)

Accused Samsung Product	Samsung Electronics Co., Ltd.	Samsung Electronics America, Inc.	Samsung Telecommunications America, LLC
Captivate (JX 1011)	Y		Y
Continuum (JX 1016)	Y		Y
Droid Charge (JX 1025)	Y		Y
Epic 4G (JX 1012)	Y		Y
Exhibit 4G (JX 1028)	Y		Y
Fascinate (JX 1013)	Y		Y
Galaxy Ace (JX 1030)	Y		
Galaxy Prevail (JX 1022)	Y		Y
Galaxy S (i9000) (JX 1007)	Y		
Galaxy S 4G (JX 1019)	Y		Y
Galaxy S II (AT&T) (JX 1031)	Y		Y
Galaxy S II (i9100) (JX 1032)	Y		
Galaxy Tab (JX 1036)	Y		Y
Galaxy Tab 10.1 (WiFi) (JX 1037)	Y	Y	
Gem (JX 1020)	Y		Y
Indulge (JX 1026)	Y		Y
Infuse 4G (JX 1027)	Y		Y
Mesmerize (JX 1015)	Y		Y
Nexus S 4G (JX 1023)	Y		Y
Replenish (JX 1024)	Y		Y
Vibrant (JX 1010)	Y		Y

3. '381 Patent에 대한 재심사

Office Action in Ex Parte Reexamination	Control No. 90/012,304	Patent Under Reexamination 7,469,381
	Examiner DENNIS BONSHOCK	Art Unit 3992

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

a☐ Responsive to the communication(s) filed on _____ . b☐ This action is made FINAL.
c☒ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Information Disclosure Statement, PTO/SB/08.
3. ☐ Interview Summary, PTO-474.
4. ☐ _____.

Part II SUMMARY OF ACTION

1a. ☒ Claims 1-20 are subject to reexamination.
1b. ☐ Claims _____ are not subject to reexamination.
2. ☐ Claims _____ have been canceled in the present reexamination proceeding.
3. ☐ Claims _____ are patentable and/or confirmed.
4. ☒ Claims 1-20 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ The drawings, filed on _____ are acceptable.
7. ☐ The proposed drawing correction, filed on _____ has been (7a)☐ approved (7b)☐ disapproved.
8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All b)☐ Some* c)☐ None of the certified copies have
   1☐ been received.
   2☐ not been received.
   3☐ been filed in Application No. _____ .
   4☐ been filed in reexamination Control No. _____.
   5☐ been received by the International Bureau in PCT application No. _____.
   * See the attached detailed Office action for a list of the certified copies not received.
9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.
10. ☐ Other: _____

cc: Requester (if third party requester)

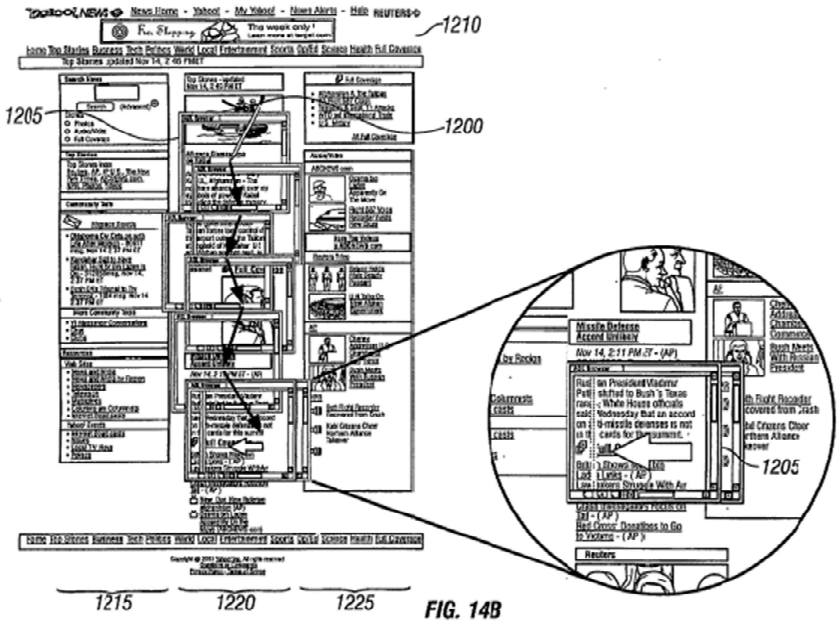

FIG. 14B

Lira discloses in response to an edge of the electronic document being reached while translating the electronic document in the first direction while the object is still detected on the touch screen: displaying an area beyond the edge of the document, and a third portion that is smaller than the first portion.

For example, in one mode described in *Lira*, if the user moves the screen away from the column being read (thus translating the document), an area beyond the edge of the column will be displayed.

4. ’915 Patent (단일/다중 입력)

8. A machine readable storage medium storing executable program instructions which when executed cause a data processing system to perform a method comprising:

receiving a user input, the user input is one or more input points applied to a touch-sensitive display that is integrated with the data processing system;

creating an event object in response to the user input;

determining whether the event object invokes a scroll or gesture operation by distinguishing between a single input point applied to the touch-sensitive display that is interpreted as the scroll operation and two or more input points applied to the touch-sensitive display that are interpreted as the gesture operation;

issuing at least one scroll or gesture call based on invoking the scroll or gesture operation;

responding to at least one scroll call, if issued, by scrolling a window having a view associated with the event object; and

responding to at least one gesture call, if issued, by scaling the view associated with the event object based on receiving the two or more input points in the form of the user input.

[청구항 8항]

실행될 때 데이터 처리 시스템이 다음의 방법을 수행하도록 하는 실행 가능한 프로그램 명령어를 저장하는 기계가 읽을 수 있는 기록 매체에 있어서,
상기 데이터 처리 시스템에 집적된 터치 감지 디스플레이에 가해진 하나 이상의 입력점인 사용자 입력을 수신하는 단계;
상기 사용자 입력에 응답하여 이벤트 객체를 생성하는 단계;
상기 터치 감지 디스플레이에 가해진 스크롤 동작으로 해석되는 단일 입력점과 상기 터치 감지 디스플레이에 가해진 제스쳐 동작으로 해석되는 둘 이상의 입력점을 구별하여 상기 이벤트가 스크롤 또는 제스쳐 동작을 야기하는지 판별하는 단계;
상기 스크롤 또는 상기 제스쳐 동작을 야기함에 기초하여 적어도 하나의 스크롤 또는 제스쳐 요청을 지시하는 단계;
상기 이벤트 객체와 관련있는 뷰를 가지는 윈도우를 스크롤링하여 적어도 하나의 스크롤 요청에 응답하는 단계; 및
상기 사용자 입력의 형태로 둘 이상의 입력점들의 수신에 기초하여 상기 이벤트 객체와 관련있는 뷰의 크기를 조절하여 적어도 하나의 제스쳐 요청에 응답하는 단계;를 포함하는 것을 특징으로 하는 기록매체.

- 단일 입력: 스크롤
- 다중 입력: 확대/축소

4. ’915 Patent 용어 정의

- **U.S. Patent No. 7,844,915**

The term “invokes” means “causes” or “causes a procedure to be carried out.”

- ’915 Patent의 독립항은 1, 8, 15항임
- ’915 Patent에 대해 2012.5.30.자로 Ex Parte Reexamination (90/012,332) 청구됨

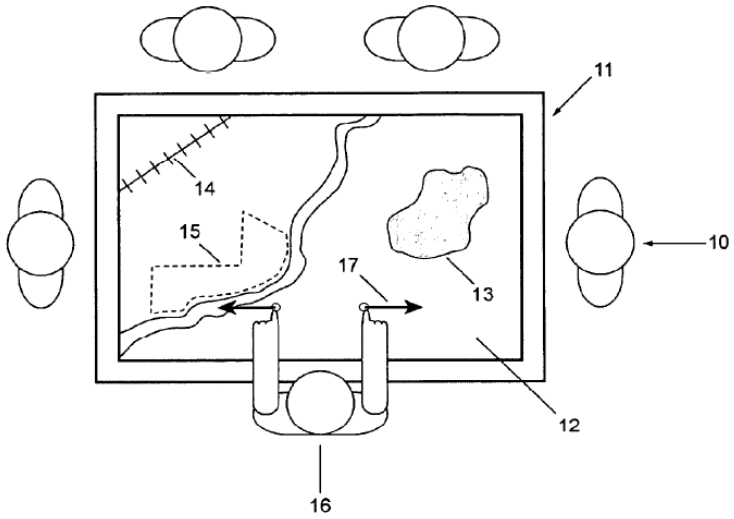

FIG. 1B

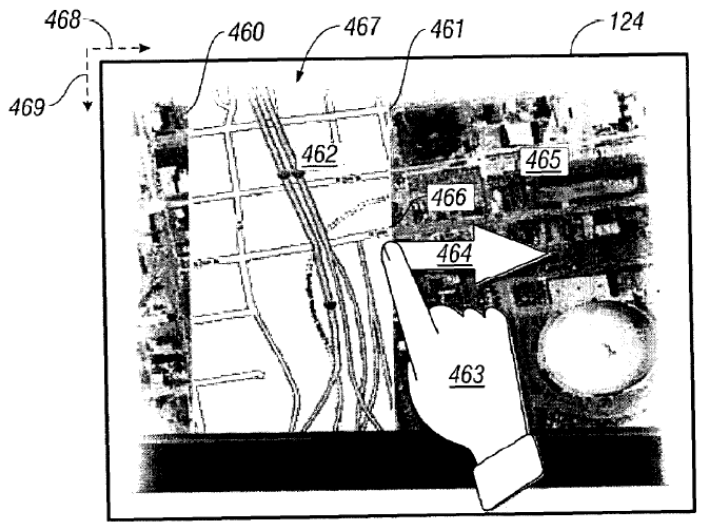

FIG. 4B

4. '915 Patent에 대한 평결

2. **For each of the following products, has Apple proven by a preponderance of the evidence that Samsung Electronics Co. (SEC), Samsung Electronics America (SEA), and/or Samsung Telecommunications America (STA) has infringed Claim 8 of the '915 Patent?**

(Please answer in each cell with a "Y" for "yes" (for Apple), or with an "N" for "no" (for Samsung). Do not provide an answer for any cell that is blacked out.)

Accused Samsung Product	Samsung Electronics Co., Ltd.	Samsung Electronics America, Inc.	Samsung Telecommunications America, LLC
Captivate (JX 1011)	Y		Y
Continuum (JX 1016)	Y		Y
Droid Charge (JX 1025)	Y		Y
Epic 4G (JX 1012)	Y		Y
Exhibit 4G (JX 1028)	Y		Y
Fascinate (JX 1013)	Y		Y
Galaxy Ace (JX 1030)	N		
Galaxy Prevail (JX 1022)	Y		Y
Galaxy S (i9000) (JX 1007)	Y		
Galaxy S 4G (JX 1019)	Y		Y
Galaxy S II (AT&T) (JX 1031)	Y		Y
Galaxy S II (i9100) (JX 1032)	Y		
Galaxy S II (T-Mobile) (JX 1033)	Y		Y
Galaxy Tab (JX 1036)	Y		Y
Galaxy Tab 10.1 (WiFi) (JX 1037)	Y	Y	
Gem (JX 1020)	Y		Y
Indulge (JX 1026)	Y		Y
Infuse 4G (JX 1027)	Y		Y
Intercept (JX 1009)	N		N
Mesmerize (JX 1015)	Y		Y
Nexus S 4G (JX 1023)	Y		Y
Replenish (JX 1024)	N		N
Transform (JX 1014)	Y		Y
Vibrant (JX 1010)	Y		Y

4. '915 Patent에 대한 재심사

Office Action in Ex Parte Reexamination	Control No. 90/012,332	Patent Under Reexamination 7844915
	Examiner Michael J. Yigdall	Art Unit 3992

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a☐ Responsive to the communication(s) filed on _____ . b☐ This action is made FINAL.
c☒ A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).** If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892. 3. ☐ Interview Summary, PTO-474.
2. ☒ Information Disclosure Statement, PTO/SB/08. 4. ☐ _____.

Part II SUMMARY OF ACTION

1a. ☒ Claims 1-21 are subject to reexamination.
1b. ☐ Claims _____ are not subject to reexamination.
2. ☐ Claims _____ have been canceled in the present reexamination proceeding.
3. ☐ Claims _____ are patentable and/or confirmed.
4. ☒ Claims 1-21 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ The drawings, filed on _____ are acceptable.
7. ☐ The proposed drawing correction, filed on _____ has been (7a)☐ approved (7b)☐ disapproved.
8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All b)☐ Some* c)☐ None of the certified copies have
   1☐ been received.
   2☐ not been received.
   3☐ been filed in Application No. _____ .
   4☐ been filed in reexamination Control No. _____.
   5☐ been received by the International Bureau in PCT application No. _____.
   * See the attached detailed Office action for a list of the certified copies not received.
9. ☐ Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.
10. ☐ Other: _____

cc: Requester (if third party requester)

Hillis teaches determining whether the event object matches a pattern to invoke an action (see, e.g., column 7, lines 46-65, "In step 208, the computer 126 determines whether activity of the current contact matches a predetermined pattern, and therefore constitutes a 'gesture.' Step 208 repeats continually, utilizing some or all of the position, position history (movement), velocity, and force information from steps 202, 204, 206. … if step 208 detects that the user has initiated a gesture (208c), the computer in step 214 utilizes the mapping 126c to identify the action 126b associated with the gesture that was identified in step 208."). Hillis further teaches that the actions include a panning (i.e., scrolling) operation and other gesture operations such as zooming (see, e.g., column 8, lines 5-7, "As described in greater detail below, some examples of actions 126b include panning, zooming, rotating, and the like."). Hillis describes a single contact point interpreted as the scrolling operation (see, e.g., FIG. 4B and column 8, lines 44-48) and two or more contact points interpreted as the zooming operation (see, e.g., FIG. 1B and column 3, lines 42-46).

5. ’163 Patent (블록 위치 변경)

50. A portable electronic device, comprising:
a touch screen display;
one or more processors;
memory; and
one or more programs, wherein the one or more programs are stored in the memory and configured to be executed by the one or more processors, the one or more programs including:
instructions for displaying at least a portion of a structured electronic document on the touch screen display, wherein the structured electronic document comprises a plurality of boxes of content;
instructions for detecting a first gesture at a location on the displayed portion of the structured electronic document;
instructions for determining a first box in the plurality of boxes at the location of the first gesture;
instructions for enlarging and translating the structured electronic document so that the first box is substantially centered on the touch screen display;
instruction for, while the first box is enlarged, a second gesture is detected on a second box other than the first box; and
instructions for, in response to detecting the second gesture, the structured electronic document is translated so that the second box is substantially centered on the touch screen display.

[청구항 50항]

터치 스크린 디스플레이;
하나 이상의 프로세서;
메모리; 및
하나 이상의 프로그램을 포함하는 휴대가능한 전자 장치로서,
상기 하나 이상의 프로그램은 상기 메모리에 저장되고 상기 하나 이상의 프로세서에 의해 실행되도록 구성되며,
상기 프로그램은,
상기 터치 스크린 디스플레이 상의 복수의 콘텐츠 박스를 포함하는 구조화된 전자 문서의 적어도 일부분을 디스플레이하기 위한 명령어;
상기 구조화된 전자 문서의 디스플레이된 부분 상의 하나의 위치에서 제1 제스처를 감지하기 위한 명령어;
상기 제1제스처의 위치에서 복수의 박스 중 제1박스를 결정하기 위한 명령어;
상기 구조화된 전자 문서를 확대하고 해석하여 상기 제1박스가 실질적으로 상기 터치 스크린 디스플레이의 중앙에 위치하게 하기 위한 명령어; 및
상기 제1박스가 확대된 동안에 상기 제1박스 이외의 제2박스에 대해 제2제스처를 검출하기 위한 명령어; 및
상기 제2제스처의 감지에 응답하여 상기 구조화된 전자 문서를 해석하여 상기 제2박스가 실질적으로 상기 터치 스크린의 중앙에 위치하게 하기 위한 명령어;를 포함하는 장치.

- ’163 Patent의 독립항은 1, 2, 49, 50, 51, 52, 53, 59, 60, 61항임

5. '163 Patent에 대한 평결

3. **For each of the following products, has Apple proven by a preponderance of the evidence that Samsung Electronics Co. (SEC), Samsung Electronics America (SEA), and/or Samsung Telecommunications America (STA) has infringed Claim 50 of the '163 Patent?**

(Please answer in each cell with a "Y" for "yes" (for Apple), or with an "N" for "no" (for Samsung). Do not provide an answer for any cell that is blacked out.)

Accused Samsung Product	Samsung Electronics Co., Ltd.	Samsung Electronics America, Inc.	Samsung Telecommunications America, LLC
Captivate (JX 1011)	N		N
Continuum (JX 1016)	N		N
Droid Charge (JX 1025)	Y		Y
Epic 4G (JX 1012)	Y		Y
Exhibit 4G (JX 1028)	Y		Y
Fascinate (JX 1013)	Y		Y
Galaxy Ace (JX 1030)	Y		
Galaxy Prevail (JX 1022)	Y		Y
Galaxy S (i9000) (JX 1007)	Y		
Galaxy S 4G (JX 1019)	Y		Y
Galaxy S II (AT&T) (JX 1031)	Y		Y
Galaxy S II (i9100) (JX 1032)	Y		
Galaxy S II (T-Mobile) (JX 1033)	Y		Y
Galaxy Tab (JX 1036)	Y		Y
Galaxy Tab 10.1 (WiFi) (JX 1037)	Y	Y	
Gem (JX 1020)	N		N
Indulge (JX 1026)	N		N
Infuse 4G (JX 1027)	Y		Y
Intercept (JX 1009)	N		N
Mesmerize (JX 1015)	Y		Y
Nexus S 4G (JX 1023)	N		N
Replenish (JX 1024)	Y		Y
Transform (JX 1014)	N		N
Vibrant (JX 1010)	N		N

6. 애플 특허에 대한 평결 종합

4. **For each of the following products, has Apple proven by a preponderance of the evidence that Samsung Electronics Co. (SEC) took action that it knew or should have known would induce STA or SEA to infringe the '381, '915, or '163 Patents?**

(Please answer in each cell with a "Y" for "yes" (for Apple), or with an "N" for "no" (for Samsung). Do not provide an answer for any cell that is blacked out.)

Accused Samsung Product	'381 Patent (Claim 19)	'915 Patent (Claim 8)	'163 Patent (Claim 50)
Captivate (JX 1011)	Y	Y	N
Continuum (JX 1016)	Y	Y	N
Droid Charge (JX 1025)	Y	Y	Y
Epic 4G (JX 1012)	Y	Y	Y
Exhibit 4G (JX 1028)	Y	Y	Y
Fascinate (JX 1013)	Y	Y	Y
Galaxy Prevail (JX 1022)	Y	Y	Y
Galaxy S 4G (JX 1019)	Y	Y	Y
Galaxy S II (AT&T) (JX 1031)	Y	Y	Y
Galaxy S II (T-Mobile) (JX 1033)		Y	Y
Galaxy Tab (JX 1036)	Y	Y	Y
Galaxy Tab 10.1 (WiFi) (JX 1037)	Y	Y	Y
Gem (JX 1020)	Y	Y	N
Indulge (JX 1026)	Y	Y	N
Infuse 4G (JX 1027)	Y	Y	Y
Intercept (JX 1009)		N ~~Y~~	N
Mesmerize (JX 1015)	Y	Y	Y
Nexus S 4G (JX 1023)	Y	Y	N
Replenish (JX 1024)	Y	N	Y
Transform (JX 1014)		Y	N
Vibrant (JX 1010)	Y	Y	N

6. 애플 특허에 대한 평결 종합

10. If you answered "Yes" to any of Questions 1 through 9, and thus found that any Samsung entity has infringed any Apple patent(s), has Apple proven by clear and convincing evidence that the Samsung entity's infringement was willful?

(Please answer in each cell with a "Y" for "yes" (for Apple), or with an "N" for "no" (for Samsung).)

Apple Utility and Design Patents	Samsung Electronics Co., Ltd.	Samsung Electronics America, Inc.	Samsung Telecommunications America, LLC
'381 Patent (Claim 19)	Y	Y	Y
'915 Patent (Claim 8)	Y	Y	Y
'163 Patent (Claim 50)	Y	Y	Y
D'677 Patent	Y		Y
D'087 Patent	N		N
D'305 Patent	Y		Y
D'889 Patent	N	N	N

11. Has Samsung proven by clear and convincing evidence that Apple's asserted utility and/or design patent claims are invalid?

'381 Patent (Claim 19)	Yes _____ (for Samsung)	No ✓ (for Apple)
'915 Patent (Claim 8)	Yes _____ (for Samsung)	No ✓ (for Apple)
'163 Patent (Claim 50)	Yes _____ (for Samsung)	No ✓ (for Apple)
D'677 Patent	Yes _____ (for Samsung)	No ✓ (for Apple)
D'087 Patent	Yes _____ (for Samsung)	No ✓ (for Apple)
D'305 Patent	Yes _____ (for Samsung)	No ✓ (for Apple)
D'889 Patent	Yes _____ (for Samsung)	No ✓ (for Apple)

6. 애플 특허에 대한 평결 종합

22. What is the total dollar amount that Apple is entitled to receive from Samsung on the claims on which you have ruled in favor of Apple?

$ ~~1,051,855,000.00~~

$1,049,393,~~293~~ 540.00 8/24/12

TABLE A: Jury Verdicts On Infringement Liability

Accused Samsung Device	Infringes A Utility Patent	Infringes D'677 Patent	Infringes D'087 Patent	Infringes D'305 Patent
Fascinate	Jury Q's 1- 4	Jury Q 5		Jury Q 7
Epic 4G	Jury Q's 1- 4			Jury Q 7
Galaxy S i9000	Jury Q 1-3	Jury Q 5	Jury Q 6	Jury Q 7
Galaxy S 4G	Jury Q's 1- 4	Jury Q 5	Jury Q 6	Jury Q 7
Galaxy S II AT&T	Jury Q's 1- 4	Jury Q 5		
Galaxy S II i9100	Jury Q 1-3	Jury Q 5		
Galaxy S II T-Mobile	Jury Q's 1- 4	Jury Q 5		
Infuse 4G	Jury Q's 1- 4	Jury Q 5		Jury Q 7
Mesmerize	Jury Q's 1- 4	Jury Q 5		Jury Q 7
Vibrant	Jury Q's 1, 2, 4	Jury Q 5	Jury Q 6	Jury Q 7
Captivate	Jury Q's 1, 2, 4			Jury Q 7
Continuum	Jury Q's 1, 2, 4			Jury Q 7
Droid Charge	Jury Q's 1- 4			Jury Q 7
Indulge	Jury Q's 3- 4			Jury Q 7
Gem	Jury Q's 3- 4			Jury Q 7
Exhibit 4G	Jury Q's 1-4			
Galaxy Ace	Jury Q's 1, 3			
Galaxy Prevail	Jury Q's 1-4			
Galaxy Tab	Jury Q's 1-4			
Galaxy Tab 10.1 (WiFi)	Jury Q's 1-4			
Nexus S 4G	Jury Q's 1, 2, 4			
Replenish	Jury Q's 1, 3, 4			
Galaxy S II (Skyrocket)		Jury Q 5		
Galaxy S Showcase		Jury Q 5		Jury Q 7
Galaxy S II Epic 4G		Jury Q 5		

TABLE B: Jury's Monetary Awards For Only Utility Patent Infringement

Samsung Product Found To Infringe ONLY One Or More Utility Patent Claims	Monetary Award [Jury Q 23]
Exhibit 4G	$1,081,820
Galaxy Ace	$0
Galaxy Prevail	$57,867,383
Galaxy Tab	$1,966,691
Galaxy Tab 10.1 (WiFi)	$833,076
Nexus S 4G	$1,828,297
Replenish	$3,350,256
TOTAL	**$66,927,523**

- 배심원단이 삼성 제품 중에서 애플의 특허 침해만 인정한 제품에 대해 인정한 손해배상액은 $66,927,523임

2 VernetX Vs 애플 특허 소송

1. VernetX 특허에 대한 평결

Apple Sued By VernetX for $368.2 Million in FaceTime Lawsuit

VirnetX has been awarded $368.2 million in its patent lawsuit against Apple over the iPhone and iPad maker's FaceTime video chat feature. VirnetX sued Apple claiming that the Mac, iPhone, iPad and iPod touch all infringe on four of its private network patents.

The company won its patent fight in U.S. District Court for the Eastern District of Texas, Tyler Division. Along with its $368.2 million, VirnetX is also hoping to convince the court to block Apple from selling infringing products, which includes all of its Mac lineup, the iPhone, iPad, and iPod touch. Even though many of us actually want to ban these products it obviously won't happen.

The company sued Apple, along with NEC, Cisco and Aastra in August 2010 for patent infringement and listed every iPhone model along with the original iPad. After the iPad 2 was introduced VirnetX updated its filing to include that model, and when the iPhone 4S launched that was added to the suit, too.

Apple and VirnetX squared off in court on October 31. The other companies targeted in the lawsuit are scheduled for trial in March 2013.

Apple hasn't commented on the ruling, although it's very likely an appeal will be coming soon. VirnetX CEO Kendall Larsen, however, was more than happy to comment on the outcome, stating, *"We are extremely pleased with the outcome of our suit with Apple."*

1. VernetX 특허에 대한 평결

1. Did VirnetX prove by a preponderance of the evidence that Apple infringes the following claims of the following patents?

Answer "Yes" or "No" for each Claim.

'135 Patent

Claim 1 yes
Claim 3 yes
Claim 7 yes
Claim 8 yes

'151 Patent

Claim 1 yes
Claim 13 yes

'504 Patent

Claim 1 yes
Claim 2 yes
Claim 5 yes
Claim 16 yes
Claim 21 yes
Claim 27 yes

'211 Patent

Claim 36 yes
Claim 37 yes
Claim 47 yes
Claim 51 yes.

1. VernetX 특허에 대한 평결

2. Did Apple prove by clear and convincing evidence that the following listed claims of the following patents are invalid?

If you find the claim invalid, answer "Yes;" otherwise, answer "No."

'135 Patent

Claim 1	NO
Claim 3	NO
Claim 7	NO
Claim 8	NO

'151 Patent

Claim 1	NO
Claim 13	NO

'504 Patent

Claim 1	NO
Claim 2	NO
Claim 5	NO
Claim 16	NO
Claim 21	NO
Claim 27	NO

'211 Patent

Claim 36	NO
Claim 37	NO
Claim 47	NO
Claim 51	NO

3. What sum of money, if paid now in cash, do you find from a preponderance of the evidence would fairly and reasonably compensate VirnetX for Apple's infringement, if any, of the patents up to the time of trial?

Answer with the amount: $ 368,160,000.00

2. US 6,502,135 ('135 Patent)

▷ '135 특허의 청구범위에 기재된 독립항은 1, 10, 13항이며, 이중에서 Apple의 침해가 인정된 청구항은 1항(종속항은 3, 7, 8항)임

1. A method of transparently creating a virtual private network (VPN) between a client computer and a target computer, comprising the steps of:

(1) generating from the client computer a Domain Name Service (DNS) request that requests an IP address corresponding to a domain name associated with the target computer;

(2) determining whether the DNS request transmitted in step (1) is requesting access to a secure web site; and

(3) in response to determining that the DNS request in step (2) is requesting access to a secure target web site, automatically initiating the VPN between the client computer and the target computer.

2. US 6,502,135 ('135 Patent)

▷ 미국 법원의 Claim Term 해석

Term	Definition
virtual private network	a network of computers which privately communicate with each other by encrypting traffic on insecure communication paths between the computers
transparently creating [creates] a virtual private network (VPN)	[no construction necessary]
Domain Name Service (DNS)	a lookup service that returns an IP address for a requested domain name
domain name	a name corresponding to an IP address
web site	one or more related web pages at a location on the World Wide Web
secure web site	a web site that requires authorization for access and that can communicate in a VPN
determining whether the DNS request transmitted in step (1) is requesting access to a secure web site	[no construction necessary]
automatically initiating the VPN	initiating the VPN without involvement of a user

2. US 6,502,135 ('135 Patent)

▷ 검토 의견

Term	Remark
Virtual Private Network (VPN)	명세서에 VPN이 비밀성의 보장을 위한 수단으로는 언급되고 있지만 터널링 프로토콜에 대해 한정하고 있지 아니하고, VPN은 공중망 내에서 암호화와 터널링 프로토콜과 같은 수단을 사용하여 비밀성을 보장하는 기술로 정의되어 있음을 고려하면, 법원의 판단이 타당한 것으로 사료됨
transparently creating a VPN	명세서에 "transparently"가 사용자의 개입없이 수행되는 것을 의미함이 기재되어 있음
domain name	법원은 청구항의 "an IP address corresponding to a domain name associated with the target computer"라는 기재로부터 "domain name"이 "IP 주소에 대응되는 명칭"으로 해석하고 있으나, 명세서에 "domain name"에 대해 별도로 정의되어 있지 않다는 점과 출원인이 "name", "identifier"등과 같은 용어를 사용하지 않고 굳이 "domain name"을 청구항에 사용하였음을 고려하면, "domain name"은 "컴퓨터에 대해 부여되는 계층적인 구조를 갖는 명칭"으로 해석함이 타당한 것으로 사료됨
Domain Name Service (DNS)	DNS가 IETF의 정의로 한정되지 않는다는 법원의 판단이 정당한 것으로 사료됨
web site	World Wide Web 상에서 하나 이상의 관련된 web 페이지로 해석한 법원의 판단은 정당한 것으로 사료됨

2. US 6,502,135 ('135 Patent)

▷ 검토 의견 (계속)

Term	Remark
secure web site	VIRNETX는 본 용어를 "도메인 네임과 연관된 컴퓨터"로 해석하고 있으나, 명세서에 "VPN의 자동 개시조건으로 ① secure host로의 접속 요청여부와 ② 승인된 사용자여부를 확인한다"고 기재되어 있음을 고려하면, "secure web site"를 "a web site that requires authorization for access and that can communicate in a VPN"으로 해석한 법원의 판단은 정당한 것으로 사료됨
determining whether the DNS request transmitted in step (1) is requesting access to a secure web site	MS는 결정주체가 "request"를 수신한 컴퓨터로 한정해석하고 있으나, 명세서에 "client computer"가 결정주체가 될 수 있음이 기재되어 있으며, 본 문장은 별도의 해석이 필요치 않다는 법원의 판단은 정당한 것으로 사료됨
automatically initiating the VPN	명세서에 "the user need not be involved in creating the secure link"라고 기재되어 있음을 고려하면 "automatically"를 "사용자의 개입없이"로 해석한 법원의 판단이 정당한 것으로 사료됨
각 단계의 수행주체	"제1항에 (2)단계의 수행주체가 한정되어 있지 않고, 제2항에 (2)단계와 (3)단계의 수행주체가 client computer와 분리된 DNS server에 의해 수행된다고 기재되어 있음을 들어 (2)단계가 client computer에서 수행될 수 있다"는 법원의 판단은 정당한 것으로 사료됨

2. 참조 판례

A preamble is not limiting 'where a patentee defines a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention.'
Catalina Mktg. Int'l, Inc. v. Coolsavings.com, Inc., 289 F.3d 801, 808 (Fed. Cir. 2002)

If a preamble "is reasonably susceptible to being construed to be merely duplicative of the limitations in the body of the claim (and was not clearly added to overcome a rejection), we do not construe it to be a separate limitation."
Symantec Corp. v. Computer Assocs. Int'l, Inc., 522 F.3d 1279, 1288-89 (Fed. Cir. 2008)

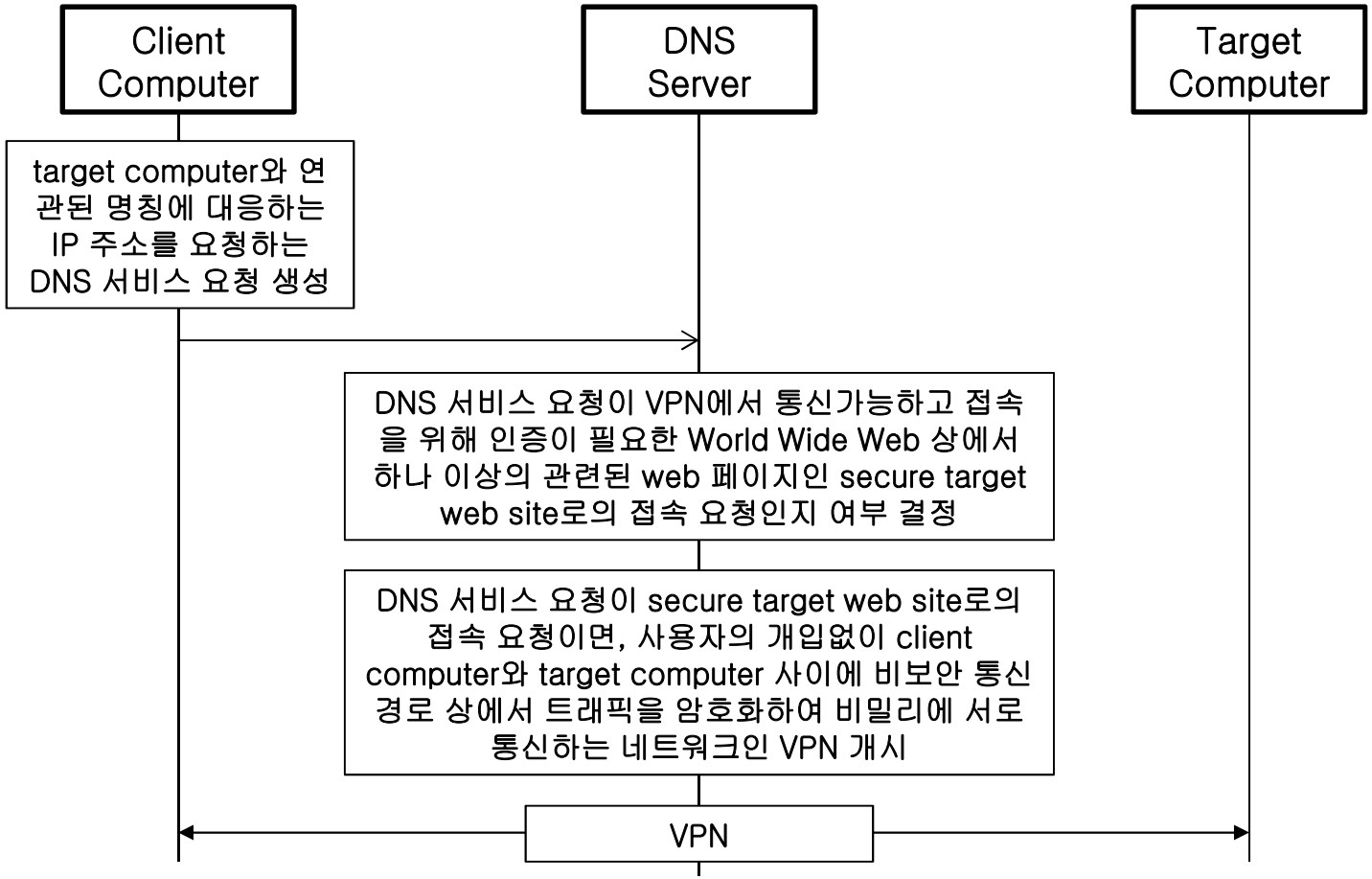
An indefinite article 'a' or 'an' in patent parlance carries the meaning of 'one or more' in open-ended claims containing the transitional phrase 'comprising.'" That "a" or "an" can mean "one or more" is best described as a rule, rather than merely as a presumption or even a convention. The exceptions to [the "indefinite article"] rule are extremely limited: a patentee must "evince [ ] a clear intent" to limit "a" or "an" to "one." The subsequent use of definite articles "the" or "said" in a claim to refer back to the same claim term does not change the general plural rule, but simply reinvokes that non-singular meaning. An exception to the general rule that "a" or "an" means more than one only arises where the language of the claims themselves, the specification, or the prosecution history necessitate a departure from the rule.
Baldwin Graphic Sys., Inc. v. Siebert, Inc., 512 F.3d 1338, 1342-43 (Fed. Cir. 2008)

The claims define the scope of the right to exclude; the claim construction inquiry, therefore, begins and ends in all cases with the actual words of the claim.
Renishaw PLC v. Marposs Societa' per Azioni, 158 F.3d 1243, 1248 (Fed. Cir. 1998)

"Use of the phrase 'the present invention' does not 'automatically' limit the meaning of claim terms in all circumstances, and . . . such language must be read in the context of the entire specification and prosecution history."
Rambus Inc. v. Infineon Techs. AG, 318 F.3d 1081, 1094 (Fed. Cir. 2003)

2. US 6,502,135 ('135 Patent)

▷ '135 특허 제1항 발명의 특정



3. US 7,409,151 ('151 Patent)

▷ '151 특허의 청구범위에 기재된 독립항은 1, 7, 13항이며, 이중에서 Apple의 침해가 인정된 청구항은 1, 13항임

1. A data processing device, comprising memory storing a domain name server (DNS) proxy module that intercepts DNS requests sent by a client and, for each intercepted DNS request, performs the steps of:

(i) determining whether the intercepted DNS request corresponds to a secure server;

(ii) when the intercepted DNS request does not correspond to a secure server, forwarding the DNS request to a DNS function that returns an IP address of a nonsecure computer, and

(iii) when the intercepted DNS request corresponds to a secure server, automatically initiating an encrypted channel between the client and the secure server.

3. US 7,409,151 ('151 Patent)

13. A computer readable medium storing a domain name server (DNS) module comprised of computer readable instructions that, when executed, cause a data processing device to perform the steps of:

(i) determining whether a DNS request sent by a client corresponds to a secure server;

(ii) when the DNS request does not correspond to a secure server, forwarding the DNS request to a DNS function that returns an IP address of a nonsecure computer; and

(iii) when the intercepted DNS request corresponds to a secure server, automatically creating a secure channel between the client and the secure server.

3. US 7,409,151 ('151 Patent)

▷ '151 특허 발명의 특정

DNS proxy Server module
/DNS Server module

가로챈 DNS 요청이 VPN에서 통신가능하고 접속을 위해 인증이 필요한 secure server로의 접속 요청인지 여부 결정

가로챈 DNS 요청이 secure server로의 접속 요청이 아니면, DNS 요청을 non-secure computer의 IP 주소를 반환하는 DNS 기능모듈로 전달

가로챈 DNS 요청이 secure server로의 접속 요청이면, 사용자의 개입없이 client와 secure server 사이에 비보안 통신 경로 상에서 트래픽을 암호화하여 비밀리에 서로 통신하는 네트워크인 VPN 개시

4. US 7,418,504 ('504 Patent)

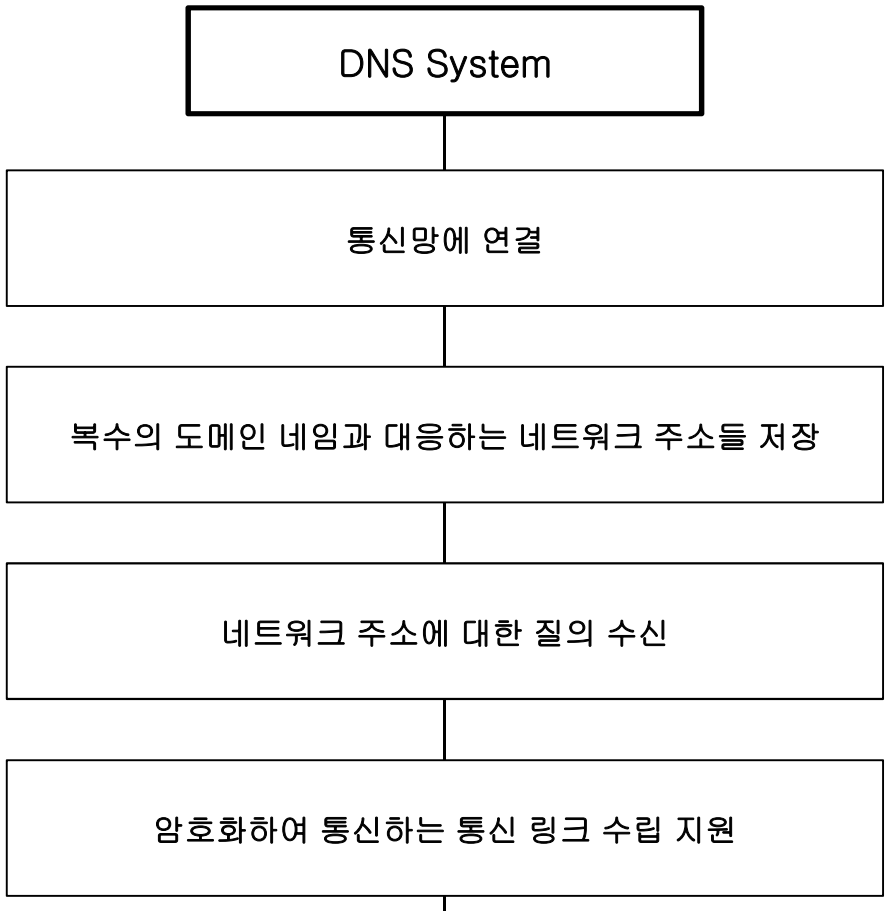
▷ '504 특허의 청구범위에 기재된 독립항은 1, 36, 60항이며, 이중에서 Apple의 침해가 인정된 청구항은 1항(종속항은 2, 5, 16, 21, 27항)임

1. A system for providing a domain name service for establishing a secure communication link, the system comprising:

a domain name service system configured to be connected to a communication network, to store a plurality of domain names and corresponding network addresses, to receive a query for a network address, and to comprise an indication that the domain name service system supports establishing a secure communication link.

4. US 7,418,504 (‘504 Patent)

▷ ‘504 특허 발명의 특정



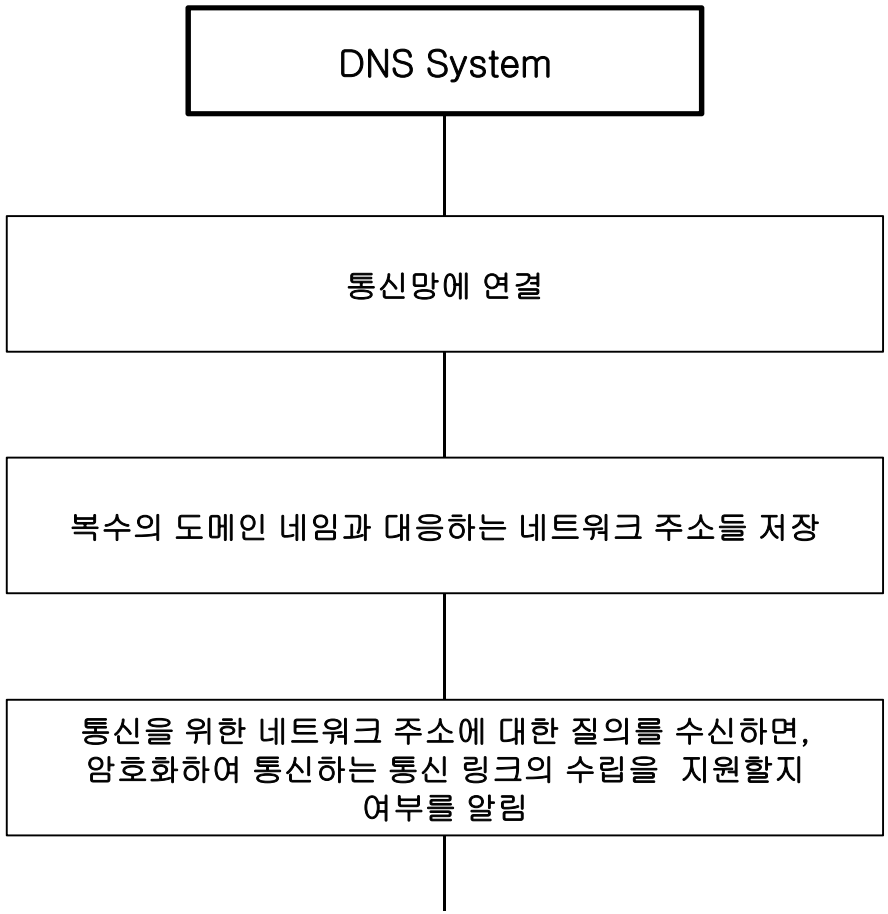
5. US 7,921,211 ('211 Patent)

▷ '211 특허의 청구범위에 기재된 독립항은 1, 36, 60항이며, 이중에서 Apple의 침해가 인정된 청구항은 36항(종속항은 37, 47, 51항)임

36. A non-transitory machine-readable medium comprising instructions executable in a domain name service system, the instructions comprising code for: connecting the domain name service system to a communication network; storing a plurality of domain names and corresponding network addresses; receiving a query for a network address; and indicating in response to the query whether the domain name service system supports establishing a secure communication link.

5. US 7,921,211 ('211 Patent)

▷ '211 특허 발명의 특정



감사합니다

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