

Jun 27, 2016

STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - FT. LAUD.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

**16-61471-CV-WILLIAMS/SIMONTON**

THOMAS S. ROSS,  
Plaintiff

vs.

APPLE INC., a California corporation

Defendant

**JURY TRIAL DEMANDED**

**COMPLAINT FOR MISAPPROPRIATION OF INTELLECTUAL PROPERTY AND  
COPYRIGHT INFRINGEMENTS**

I, Plaintiff THOMAS S. ROSS (Ross), in the above styled cause, *PRO SE*, sues Apple, Inc. (Apple), for misappropriation of intellectual property and copyright infringements.

NOW COMES PLAINTIFF, Thomas S. Ross (Ross), *PRO SE*, states, on information and belief, as follows:

**NATURE OF THE ACTION**

1. The object of this litigation is the intellectual property identified as the Electronic Reading Device (ERD). This property has three separate and distinct characteristics: 1) it is a chattel, protectable under the Law of Restitution, 2) it is an invention, protectable under Patent Laws and international treaties, and 3) it is an original work, protectable under Copyright Laws and international treaties.

2. **As a Chattel**, Ross's ERD is tangible personal property that confers property rights under the U.S. Constitution. The identity of the ERD is manifested through the drawings and description of its functionality, and utility. In 1992, the ERD was created, at a time when

nothing like it existed before. Functioning as a “birth certificate”, the genesis of the ERD was evidenced by the identity of the author and the dates of their creation, affixed on each drawing and text, as Thomas S. Ross and May 23, 1992, June 28, 1992.

3. In addition, the identity of the ERD was further memorialized by the filing of an application for a utility patent with the United States Patent and Trademark Office (USPTO) and the agency issued patent application **07/974,428, dated 11/12/1992.**

These documents constitute *Prima Facie* evidence that the tangible property identified as the ERD is authentic, it belongs to Ross and was created at specific dates in 1992.

4. **As an invention**, that the idea of the ERD was first invented and first filed by Ross, was evidenced by his application for a utility patent, number **07/974,428, dated 11/12/1992.** The application for patent was declared abandoned on or about 4/10/1995, by the USPTO, for failure to pay the required fees. That said, the application evidenced that Ross was the first to file a device so designed and aggregated as to have created a novel combination of media and communication tools that Ross called ERD, and whose identity was, since then, hijacked and exploited by Apple’s iPhones®, iPods®, iPads® and, others.

5. **As an original work**, the ERD was expressed through original drawings and text, all of which have been copyright protected since their creation in 1992 and registered with the United States Copyright Office, on May 4, 2014:

- VAu 1-186-491 Title of Work: Drawing 10.1 The Electronic Reading Device Patent Application #07/974,428
- VAu 1-186-859 Title of Work: Drawing 10.2 The Electronic Reading Device Patent Application #07/974,428
- VAu 1-186-860 Title of Work: Drawing 10.3 The Electronic Reading Device Patent Application # 07/974,428
- VAu 1-186-862 Title of Work: Drawing 10.4 Chart I The Electronic Reading Device Patent Application # 07/974,428

- TXu 1-919-460 Title of Work: The Electronic Reading Device Patent Application #07/974,428

6. Since 2007 to the time of this writing, Apple has 1) misappropriated Ross's ERD as chattel, protectable under state law, common law and the law of restitution, and unjustly enriched itself, and 2) has infringed on Ross's copyrights, protectable under copyright laws and international treaties, and, in so doing, misappropriated Ross's copyright rights and, unjustly enriched itself.

## **PARTIES**

### **Plaintiff Thomas S. Ross.**

7. Thomas S. Ross is an individual, a citizen of the United States of America, having his principal domicile in Miramar, Florida.

### **Defendant Apple**

8. Ross is informed and believes that Apple is a California corporation having its principal place of business at 1 Infinite Loop, Cupertino, California 95014.

9. Ross is informed and believes that Apple conducts business in the State of Florida, throughout the United States of America and many Countries that are signatories to Berne and Paris treaties and conventions governing Patents and Copyrights.

## **JURISDICTION AND VENUE**

10. This Court has subject matter jurisdiction over the claims relating to the Copyright Act (17 U.S.C. §§ 101,501) and the Lanham Act (15 U.S.C. §§1125 et. seq.) pursuant to 28 U.S.C. §

1331 (federal subject matter jurisdiction) and 28 U.S.C. §1338(a) (any act of Congress relating to copyrights, patents and trademarks).

11. This Court has personal jurisdiction because Apple is, and continuously has been, doing business in the state of Florida and has wrongfully infringed on Ross's copyright-protected works.

12. Apple is subject to both specific and general personal jurisdictions. Apple, markets, sells, and supports the infringing products throughout the United States by means of brick and mortar stores, internet web sites and other interstate distribution channels. Further, Ross is informed and believes, and based thereon alleges that Apple regularly solicits and conducts business in and/or derives substantial revenue from, goods and services provided to residents of Florida, including the actual sale, of millions of misappropriated and infringing ERD look-alike units, themselves also infringing on constituent original elements of Ross' original copyrighted works. Accordingly, both jurisdiction and venue are proper in this court. See 28 U.S.C. §§ 1391 and 1400.

#### **VENUE AND INTRADISTRICT ASSIGNMENT**

13. Venue is proper within this District under 28 U.S.C. §§ 1391(b) and (c), because Apple transacts business within this district and offers for sale in this district products that infringe the Ross copyrights. In addition, venue is proper because Ross's principal domicile is in this district, and Ross suffered harm in this district.

**BACKGROUND**

**Thomas S. Ross**

On information and belief, Plaintiff Ross states as follows:

**The Intellectual Property**

14. In 1992, Ross conceived a reading and writing device, with a back-lit screen that contained all manner of reading material, as well as other media, stored in the device or obtained from an external storage device or other remote sources, such as a remote server, all of which could be used in spite of the absence of ambient light.

15. What Ross contemplated, was a device that could allow one to read stories, novels, news articles, as well as look at pictures, watch video presentations, or even movies, on a flat touch-screen that was back-lit. He further imagined that it could include communication functions, such as a phone and a modem, input/output capability, so as to allow the user to write notes, and be capable of storing reading and writing material utilizing internal and external storage media. He also imagined that the device would have batteries and even be equipped with solar panels. Ross called this device, the ELECTRONIC READING DEVICE (ERD).

16. The ERD Ross envisioned, had various configurations ranging in size, features and functions, to accommodate various settings and uses.

- i. One configuration consisted of one rectangular panel, with rounded corners, with a flat screen that dominated the smooth surface of the viewing side, and small enough to be hand-held.
- ii. Another configuration would have two screens, side by side, that could be utilized to expand the viewing area for reading or view other media, or

could be used for reading on one panel and writing on the other, or use it for writing on both panels.

- iii. Other configurations would have a variety of sizes and features to satisfy various activities such as playing games, watching videos or motion pictures, with all having the same distinctive ornamental feature consisting of the rectangle with rounded corners, smooth surfaces, inlaid flat screen, seamlessly framed by the smooth sleek surface, with functional attachments that could be placed, or not, anywhere along the edges or frame.

In short, the unifying utility among all possible ERD permutations, was the portability of a multi-media device, while the design scheme common to all of the ERD devices, was a pair of rectangular panels, sandwiched one on top of the other, with rounded corners, separated by a relatively shallow layer of internal circuitry, where one panel consisted of a flat, back-lit touch screen, with a framed border, and the other a panel of similar shape and made of material similar to the front frame, so as to give it its unified look and feel.

17. Between May 23, 1992 and September 10, 1992, Ross designed three technical drawings, one flow chart and one narrative of his invention. Three drawings consisted of hand drawn images of the hand-held ERD, depicting the unifying aesthetic design, comprising of a rectangular panel with rounded corners, where one side was dominated by an inlaid, centrally located, smooth flat screen, framed by the flat, smooth surface, while the other side, comprised of a smooth flat panel over the internal circuits, batteries or internal storage. Simple but distinctive. The ingenious simplicity of this design, afforded the ability to utilize the periphery, for appending, or not, a variety of functional controls, such as turning the

147 device on or off, keyboard, pagination, sound volume, etc., and attach peripherals such as  
148 microphone, speakers, cameras, solar panels, storage devices and interfaces for other external  
149 devices. Alternately, the frame could remain free of functional keys, where peripheral  
150 functions could be performed by software, and peripherals could be placed embedded at the  
151 edges or the side or rear panel. In short, stripping away all functional gadgets and buttons,  
152 would reveal the purely ornamental design. The ERD embodied a fusion of design and  
153 function, in a way that never existed prior to 1992.

154 18. Another drawing was a data flow diagram that expressed the method of transmitting data to  
155 and from a remote computer to identify subscribers and send requested media to the user's  
156 device.

157 19. The writing described the purpose, options, uses, and the look and feel of the ERD.

158 20. Upon creation, all drawings and text, including ideas and expressions of those ideas, became  
159 Ross's tangible intellectual Property.

160 21. All drawings and text were copyright protected by Ross, as of their respective date of  
161 creation, in 1992. See EXHIBIT A.

## 162 **The Patent Application**

163 22. On or about September 10, 1992, Ross filed an Application for Patent, and on November 12,  
164 1992, the USPTO assigned the Patent Application # 07/974,428 and on December 30, 1992,  
165 Patent Application # 07/999,524<sup>1</sup> consisting of forms provided by the USPTO, and, attached  
166 therewith, were the four (4) original drawings and original writings depicting and describing  
167 Ross's ERD and other documents styled according to descriptions contained in the statutes.

---

<sup>1</sup> Patent Application # 07/999,524 dated 12/30/1992 was issued in error, as it was a duplicate,

23. The patent application was declared abandoned in 1995, by the USPTO, due to failure to pay the application fee.

24. Ross attempted revival and/or substitution of his original invention, on or about 1999, but it was also declared abandoned in 2000, by the USPTO, this time, for reasons other than failure to pay fees.

25. On July 11, 2007, Ross filed a claim in the United States District Court for the Southern District of Florida, alleging, *inter alia*, unconstitutional deprivation of patent rights in the 1992 patent application, and detrimental reliance on USPTO procedures and instructions, for the 1999 failed effort to revive his original patent application. See Ross v United States Patent And Trade Office, 07-CV61723, 7/11/2007.

26. In his answer to the USA Motion to Dismiss, Ross argued, *inter alia*, that the 1995 abandonment of the patent application for failure to pay the application fee, was unconstitutional. While the District Court found Ross's argument "eloquent", on March 30, 2009, The District Court dismissed the Ross's action against the USPTO, as time-barred. Ross Appealed and the Court of Appeals for the 11<sup>th</sup> Circuit, upheld the lower Court's findings. See Ross v United States Patent And Trade Office, 07-CV61723, 7/11/2007, Order Granting Defendant's Motion To Dismiss, pg. 6, referencing pg.18 of Defendant's Motion To Dismiss.

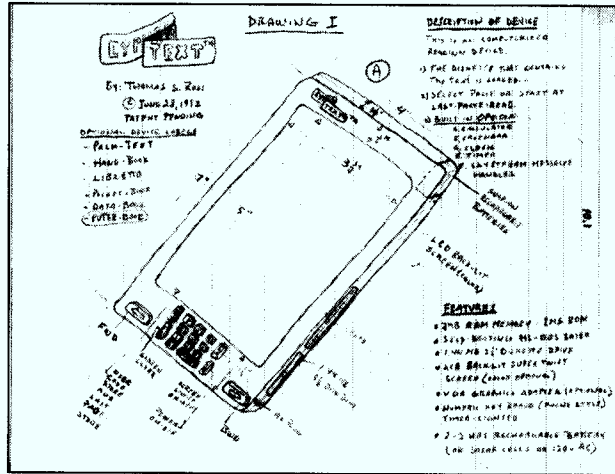
### **The Copyright Registrations**

27. On May 14, 2015, Ross secured a Copyright Registration with the United States Copyright Office, for each of the four drawings and the writing, to wit:

- V Au 1-186-491 Title of Work: Drawing 10.1 The Electronic Reading Device Patent Application #07/974,428. See EXHIBIT C.1.



191



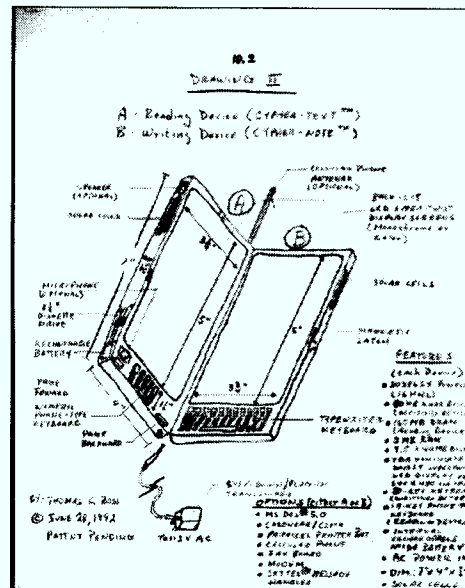
192

193

VAu 1-186-859 Title of Work: Drawing 10.2 The Electronic Reading Device Patent Application

194

#07/974,428. See EXHIBIT C.2.



195

196

197

198

199

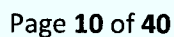
202

203

204

205

- 206



- TXu 1-919-460 Title of Work: The Electronic Reading Device Patent Application  
#07/974,428 See EXHIBIT C.5.

**Apple**

On information and belief, Plaintiff Ross states as follows:

28. In 1996, Steve Jobs, former CEO of Apple bragged publicly, that Apple had a culture of “shameless stealing” of others ideas, and, as Phil Schiller, Sr. VP of Worldwide Marketing was once quoted as saying, “making them their own.” “This was part of Apple’s DNA”, as Bud Tribble, Vice President of Apple was quoted as saying.

29. Apple engaged in systematic searching for other people’s ideas by rummaging through all sorts of resources, private and governmental, for “abandoned” and “discarded” prior art, and ideas, and, when it found something promising, it “made it its own.”

30. Apple, introduced the iPhone®, iPad® and iPod® line of mobile devices, all of which are the very essence of Ross’s ERD. Instead of creating its own ideas, Apple chose to adopt a culture of dumpster diving as an R&D strategy.

31. Fortuitously for Apple, in 1995 Ross’s original 1992 ERD Application for Patent, was declared “abandoned” by the USPTO, and was thus relegated, to the heap of “abandoned” and “discarded” ideas, just the sort of place that Apple would have been delighted to rummage through and discover diamonds in the rough to be exploited and “patent the hell out of them”, quote unquote. Apple’s corporate culture was to “shamelessly steal” ideas, “make them their own”, and “patent the hell out of them”, and would then, serve them up to the public, as their own technological marvels.

230 32. Ross, however, still remains the owner of the ERD, with all rights and claims protected under  
231 the Law of Restitution as chattel, and Copyright Laws, as a work of original authorship.

232 33. By this action, Ross seeks to put a stop to Apple's illegal conduct and obtain  
233 compensation for the misappropriation and violations that have occurred thus far.

234 34. Ross alleges that in 2007, Apple began selling, advertising, depicting in manuals, packaging,  
235 print and digital media, and broadcasting images of three-dimensional reproductions of  
236 devices that were and are, substantially the same as his technical drawings of the ERD, and  
237 that Apple's three-dimensional derivative devices (iPhone®, iPod®, iPad®), embody the  
238 non-functional aesthetic look and feel, of the technical drawings originally created by Ross in  
239 1992 and which were misappropriated intellectual property owned by Ross and protectable  
240 under color of Copyright Laws.

241 35. Ross alleges that since 2007, Apple launched a number of devices, each of which were  
242 misappropriated intellectual property owned by Ross, and generated infringing two-  
243 dimensional copies of Ross's technical drawing registered as **VAu 1-186-491 Title of Work:**  
244 **Drawing 10.1 The Electronic Reading Device Patent Application #07/974,428**, in  
245 packaging, advertising, broadcast media, print media and where aesthetic and ornamental  
246 design from the technical drawing, are embodied in three-dimensional devices copied  
247 therefrom. The chart below is Apple's development timeline that include, but is not limited  
248 to, devices that are the subject of repeated misappropriation and copyright infringements, that  
249 spans over ten (10) years and continues to the date of this writing:

Year	Launched	Model	Family	Discontinued
2007	21-Mar	iPhone (1st generation) (4 GB)	iPhone	09/05/07
	29-Jun	iPhone (1st generation) (8 GB)	iPhone	07/11/08
		iPod Nano (3rd gen)	iPod Nano	09/06/08
	5-Sep	iPod Touch (1st gen) (8 & 16 GB)	iPod Touch	09/09/08
2008	15-Jan	iPhone (1st generation) (16 GB)	iPhone	07/11/08
2008	15-Jan	iPod Touch (1st gen) (32 GB)	iPod Touch	09/09/08
	19-Feb	iPhone 3G (8 GB)	iPhone	06/07/10
	17-Apr	iPhone 3G (16 GB)	iPhone	06/08/09
	28-Apr	iPod Nano (4th gen)	iPod Nano	09/09/09
	29-May	iPod Touch (2nd gen) (8 GB)	iPod Touch	09/01/10
	11-Jul	iPod Touch (2nd gen) (16 & 32 GB)	iPod Touch	09/09/09
	11-Jul	iPhone 3GS (16 & 32 GB)	iPhone	06/24/10
	7-Apr	iPad (Wi-Fi)	iPad	03/02/11
	20-Oct	iPad (Wi-Fi + 3G)	iPad	03/02/11
2009	20-Oct	iPhone 3GS (8 GB)	iPhone	09/12/12
	31-Mar	iPhone 4 (GSM) (16 & 32 GB)	iPhone	10/04/11

		iPod Touch (4th gen) (8 & 64 GB)	iPod Touch	09/12/12
		iPod Touch (4th gen) (32 GB)	iPod Touch	05/30/13
	3-Apr	iPod Nano (6th gen)	iPod Nano	09/12/12
	13-Apr	iPad (Wi-Fi)	iPad	3/2/2011
	3-Apr	iPad (Wi-Fi + 3G)	iPad	3/2/2011
<b>2010</b>	30-Apr	iPhone 3GS (8 GB)	iPhone	9/12/2012
	24-Jun	iPhone 4 (GSM) (16 & 32 GB)	iPhone	10/4/2011
		iPod Touch (4th gen) (8 & 64 GB)	iPod Touch	9/12/2012
	1-Sep	iPod Touch (4th gen) (32 GB)	iPod Touch	5/30/2013

252

253 36. Ross alleges that in the last three years, prior to the date of the first Cease and Desist Demand  
254 letter dated 2/10/2015, Apple launched the following devices, each of which were  
255 misappropriated intellectual property owned by Ross, and generated infringing two-  
256 dimensional copies of Ross's technical drawing registered as **VAu 1-186-491 Title of Work:**  
257 **Drawing 10.1 The Electronic Reading Device Patent Application #07/974,428**, in

packaging, advertising, broadcast media, print media and where aesthetic and ornamental design from the technical drawing, are embodied in three-dimensional devices copied therefrom. The list that follows includes but is not limited to, such devices:

Year	Launched	Model	Family	Discontinued
2011	10-Feb	<u>iPhone 4 (CDMA) (16 &amp; 32 GB)</u>	<u>iPhone</u>	10/4/2011
	11-Mar	<u>iPad 2 (16 GB)</u>	<u>iPad</u>	3/18/2014
		<u>iPad 2 (32 &amp; 64 GB)</u>	<u>iPad</u>	3/7/2012
	14-Oct	<u>iPhone 4 (8 GB)</u>	<u>iPhone</u>	9/10/2013
		<u>iPhone 4S (16 GB)</u>	<u>iPhone</u>	9/10/2013
		<u>iPhone 4S (32 &amp; 64 GB)</u>	<u>iPhone</u>	9/12/2012
	16-Mar	<u>iPad (3rd gen)</u>	<u>iPad</u>	10/23/2012
		<u>iPod Touch (4th gen) (16 GB)</u>	<u>iPod Touch</u>	5/30/2013
	21-Sep	<u>iPhone 5</u>	<u>iPhone</u>	9/10/2013
	11-Oct	<u>iPod Touch (5th gen) (32 &amp; 64 GB)</u>	<u>iPod Touch</u>	current
		<u>iPod Nano (7th gen)</u>	<u>iPod Nano</u>	current
	2-Nov	<u>iPad Mini (Wi-Fi) (16 GB)</u>	<u>iPad</u>	current
		<u>iPad Mini (Wi-Fi) (32 &amp; 64 GB)</u>	<u>iPad</u>	10/22/2013
		<u>iPad (4th gen) (Wi-Fi) (16 GB)</u>	<u>iPad</u>	10/16/2014

		<u>iPad (4th gen) (Wi-Fi) (32 &amp; 64 GB)</u>	<u>iPad</u>	10/22/2013
	16-Nov	<u>iPad Mini (Wi-Fi + Cellular) (16 GB)</u>	<u>iPad</u>	current
		<u>iPad Mini (Wi-Fi + Cellular) (32 &amp; 64 GB)</u>	<u>iPad</u>	10/22/2013
		<u>iPad (4th gen) (Wi-Fi + Cellular) (16 GB)</u>	<u>iPad</u>	10/16/2014
		<u>iPad (4th gen) (Wi-Fi + Cellular) (32 &amp; 64 GB)</u>	<u>iPad</u>	10/22/2013
	30-May	<u>iPod Touch (5th gen) (16 GB)</u>	<u>iPod Touch</u>	6/26/2014
	20-Sep	<u>iPhone 4S (8 GB)</u>	<u>iPhone</u>	9/9/2014
		<u>iPhone 5C (16 &amp; 32 GB)</u>	<u>iPhone</u>	9/9/2014
		<u>iPhone 5S (16 &amp; 32 GB)</u>	<u>iPhone</u>	current
		<u>iPhone 5S (64 GB)</u>	<u>iPhone</u>	9/9/2014
	1-Nov	<u>iPad Air (16 &amp; 32 GB)</u>	<u>iPad</u>	current
		<u>iPad Air (64 &amp; 128 GB)</u>	<u>iPad</u>	10/16/2014
	12-Nov	<u>iPad Mini (2nd generation) (16 &amp; 32 GB)</u>	<u>iPad</u>	current
		<u>iPad Mini (2nd generation) (64 &amp; 128 GB)</u>	<u>iPad</u>	10/16/2014
2014	18-Mar	<u>iPhone 5C (8 GB)</u>	<u>iPhone</u>	current
	19-Sep	<u>iPhone 6</u>	<u>iPhone</u>	current
		<u>iPhone 6 Plus</u>	<u>iPhone</u>	current
	22-Oct	<u>iPad Air 2 (16, 64 &amp; 128 GB)</u>	<u>iPad</u>	current



		iPad Mini 3 (16, 64 & 128 GB)	iPad	current
--	--	-------------------------------	------	---------

2015	July 15	iPod Touch (6th gen)	iPod Touch	current
	September 9	iPad Mini 4	iPad	current
	September 25	iPhone 6S	iPhone	current
		iPhone 6S Plus	iPhone	current

2016	March 31	iPad Pro (9.7")	iPad	current
		iPhone SE	iPhone	current

37. On information and belief, Ross alleges that in 2015, Apple obtained a Patent for a two-screen device (**Patent # US8638549B2**). This is exactly the same utility and ornamental design as Ross's technical drawing registered as **VAu 1-186-859 Title of Work: Drawing 10.2 The Electronic Reading Device Patent Application #07/974,428** and **VAu 1-186-860 Title of Work: Drawing 10.3 The Electronic Reading Device Patent Application #07/974,428** and which misappropriation unjustly enriched Apple.

38. On information and belief, Ross alleges that in 2006, Apple obtained at least two (2) Patents for, among other things, providing remote media content to users of iTunes® and iBook Store® (**Patent# US7774708 B2 and US9084089B2**) and utilized constituent original elements of the copyrighted technical drawing registered as **VAu 1-186-862 Title of Work: Drawing IOA Chart I The Electronic Reading Device Patent Application # 07/974,428** where the flow chart illustrates the data flow that starts with a user request for a specific product, such as song, book, broadcast, movie, etc., is then screened for authorization, and terminates with fulfilment or rejection of the request, and which misappropriation unjustly enriched Apple.

284 39. On information and belief, Ross alleges that in 2006, Apple obtained at least two (2) Patents  
285 for, among other things, providing remote media content to users of iTunes® and iBook  
286 store® (**Patent# US7774708 B2 and US9084089B2**) wherein Apple utilized descriptions  
287 that are verbatim copies of text taken from Ross's copyrighted Text registered with the U.S.  
288 Copyright Office as **TXu 1-919-460 Title of Work: The Electronic Reading Device Patent**  
289 **Application #07/974,428.**

290 40. On information and belief, Ross alleges that the following U.S. design patents awarded to  
291 Apple:

292 i. D627,790 (the "D790 patent") Graphical User Interface For a Display Screen or  
293 Portion thereof:  
294 ii. D602,016 (the "D016 patent") Electronic Device; D618,677 (the "D677 patent") Electronic  
295 Device; D690,300; D681,632; D750,065; D750,062; D748,622; D755,784; D752,577;  
296 D752,037; D724,078; D712,405; and utility patent 7,479,949 includes intellectual property  
297 misappropriated from Ross and wrongly awarded to Apple and with which Apple was  
298 unjustly enriched.

299 41. On information and belief, Ross alleges that the following trade dress registrations awarded  
300 to Apple for the design and configuration of the iPhone®:

301 i) U.S. Registration No. 3,470,983 is for the overall design of the product, including  
302 the rectangular shape, the rounded corners, the silver edges, the black face, and  
303 the display of sixteen colorful icons.

304 ii) U.S. Registration No. 3,457,218 is for the configuration of a rectangular handheld  
305 mobile digital electronic device with rounded corners

306 ii) U.S. Registration No. 3,475,327 is for a rectangular handheld mobile digital

electronic device with a gray rectangular portion in the center, a black band above and below the gray rectangle and on the curved corners, and a silver outer border and side.

includes intellectual property misappropriated from Ross and wrongly awarded to Apple and with which Apple was unjustly enriched.

42. On or about March 10, 2015, Ross sent a Cease and Desist letter to Apple, at its address, 1 Infinite Loop, Cupertino, CA. See EXHIBIT D.1 and D.2.

43. On or about June 10, 2015, Apple sent a letter declining to comply. See EXHIBIT E.

44. By this action, Ross seeks to put a stop to Apple's illegal conduct, determine the worldwide financial gain attributable to Ross's intellectual property, and obtain equitable compensation for the identity theft and copyright infringements that have occurred thus far, going back as far as the law permits and the court deems appropriate.

**COUNT I**  
**MISAPPROPRIATION OF INTELLECTUAL PROPERTY AS CHATEL**

On information and belief, Ross alleges that:

Ross refers to and incorporates paragraphs 1 to 44 above as though fully set forth herein.

45. The ERD aggregated, in one small, lightweight and handheld device, mobile phone functions, media storage and playback, a touch user interface screen, mobile computing power to run diverse pre-installed and downloadable applications, and functionality to gain full access to a wide variety of multimedia. These features were combined in an elegant case with a distinctive design that gave the ERD its unique identity that has now become widely identified with Apple's progeny of iPhones®, iPads® and iPod Touch®. Fact that the ERD

has been sucked into Apple's product line that began in 2007 and, continues to the date of this writing, amounts to identity theft.

**COUNT II**  
**UNJUST ENRICHMENT RESULTING FROM MISAPPROPRIATION OF**  
**INTELLECTUAL PROPERTY AS CHATTEL**

On information and belief, Ross further alleges that:

Ross refers to and incorporates paragraphs 1 to 45 above as though fully set forth herein.

46. As a result of the conduct alleged herein, Apple has been unjustly enriched with property that was, and is, the property of Plaintiff Ross.

47. Ross seeks a worldwide accounting and disgorgement of all ill-gotten gains and profits resulting from Apple's identity theft.

**COUNT III**  
**DIRECT INFRINGEMENT OF COPYRIGHT**  
**VAu 1-186-491 Title of Work: Drawing 10.1 The Electronic Reading Device Patent**  
**Application #07/974,428**  
**[17 U.S.C. §§101, SEQ.]**

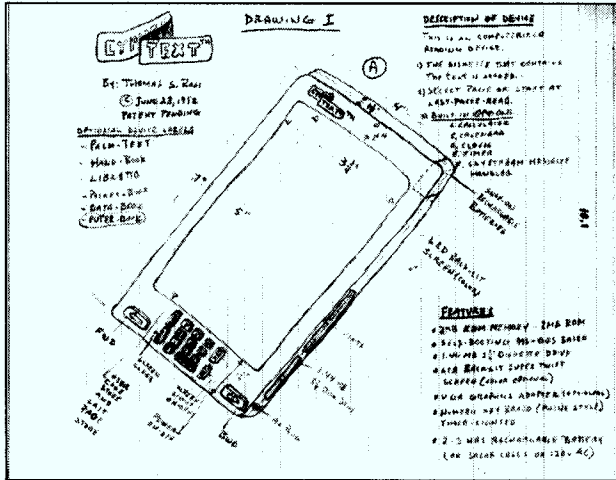
On information and belief, Ross further alleges that:

Ross incorporates herein by this reference each and every allegation contained in each paragraph above. Ross refers to and incorporates paragraphs 1 to 47 above as though fully set forth herein.

48. Ross is, and at all relevant times has been, the copyright owner of exclusive rights under the United States Copyright Laws, with respect to certain copyrighted works, including but not

limited to, the copyrighted work identified as Registration Number VAu 1-186-491 Title of  
Work: Drawing 10.1 The Electronic Reading Device Patent Application #07/974,428:

**Figure 1 - ERD 1992**



**Figure2 - APPLE® 2007**



49. Apple. said, and I quote: “*The iPhone is radically different from the devices that preceded it. It has a distinctive shape and appearance—a flat rectangular shape with rounded corners \*\*\**”. (See Apple’s Complaint in Apple v Samsung, as filed in the United States District Court for the Northern District of California, on April 11, 2011). Contrary to Apple assertion, the iPhone® was anything but that. A casual observer with ordinary perception will conclude that the iPhone® has the same overall concept and feel as Ross’s ERD design of 1992. It was Ross’s ERD design of 1992 that was, “*radically different from the devices that preceded it*”.

50. In connection to the design of its iPhone®, Apple also stated that “*\*\*\* none of these elements is functional. \*\*\**” See Apple’s Complaint in Apple v Samsung, as filed in the

United States District Court for the Northern District of California, on April 11, 2011. Stated another way, when Apple declared that all of the relevant design elements of the iPhone® that it enumerated therein, are not functional, it admits, by logical extension, that identical elements presented in Ross Drawing #1 are also non-functional, or, ornamental. This, in turn, means that such ornamental elements, when found in the Apple iPhone® device, or similar other devices, each constituting an instance of copyright infringement. By virtue of asserting this, in its own Apple v Samsung Complaint, Apple is estopped from claiming that its iPod touch® and iPad® devices are not subject to the same claim of infringement, given that Apple asserted that both of these devices were identical in their design, to the iPhone®.

51. Among the exclusive rights granted to Ross under the Copyright Act, are the exclusive rights to reproduce the original works and to distribute original works, to the public, or not. Apple, without permission or consent of Ross, has used, and continues to use, copies and derivatives of the Copyrighted original works, to distribute constituent original elements of the Copyrighted original works to the public, and/or to make the Copyrighted original works available for distribution to others. In doing so, Apple has violated Ross's exclusive rights of reproduction and distribution. Apple's actions constitute infringement of Ross's copyrights under Copyright Laws.

52. Ross is informed and believes that virtually all of the knock-offs manufactured by Apple, have been distributed without permission of the copyright holder.

53. The foregoing acts of infringement have been willful and intentional, in disregard of, and with indifference to the rights of Plaintiff Ross.

395 54. As a result of Apple's infringement of Ross's exclusive rights, Ross is entitled to statutory  
396 damages pursuant to 17 U.S.C. § 504(c) for Apple's infringement of each of the Copyrighted  
397 original works. Ross further is entitled to attorneys' fees and costs pursuant to 17 U.S.C. §  
398 505.

399 55. The conduct of Apple is causing and, unless enjoined and restrained by this Court, will  
400 continue to cause Ross great and irreparable injury that cannot fully be compensated or  
401 measured in money. Ross has no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and  
402 503, Ross is entitled to injunctive relief prohibiting Apple from further infringing Ross's  
403 copyrights, and ordering Apple to destroy all copies and knock-offs made in violation of  
404 Ross's exclusive rights.

405 **COUNT IV**  
406 **DIRECT INFRINGEMENT OF COPYRIGHTS**  
407 **VAu 1-186-859 Title of Work: Drawing 10.2 The Electronic Reading Device Patent**  
408 **Application #07/974,428**  
409 **[17 U.S.C. §§101, SEQ.]**  
410

411 On information and belief, Ross further alleges that:

412 Ross incorporates herein by this reference each and every allegation contained in each paragraph  
413 above. Ross refers to and incorporates paragraphs 1 to 55 above as though fully set forth herein.

414 56. Ross is, and at all relevant times has been, the copyright owner of exclusive rights under the  
415 United States Copyright Laws, with respect to certain copyrighted works, including but not  
416 limited to, the copyrighted work identified as the registration number captioned above.

417 57. Apple did file application for one or more design patent, the subject of which was copied  
418 from Ross's 1992 design, the copyright registration of which is captioned above.

419 58. The foregoing acts of infringement have been willful and intentional, in disregard of, and  
420 with indifference to, the rights of Ross.

421 59. As a result of Apple's infringement of Ross's exclusive rights, Ross is entitled to statutory  
422 damages pursuant to 17 U.S.C. § 504(c) for Apple's infringement of each of the Copyrighted  
423 original works. Ross further is entitled to attorneys' fees and costs pursuant to 17 U.S.C. §  
424 505.

425 60. The conduct of Apple is causing and, unless enjoined and restrained by this Court, will  
426 continue to cause Ross great and irreparable injury that cannot fully be compensated or  
427 measured in money. Ross has no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and  
428 503, Ross is entitled to injunctive relief prohibiting Apple from further infringing Ross's  
429 copyrights, and ordering Apple to destroy all copies and knock-offs made in violation of  
430 Ross's exclusive rights.

431 **COUNT V**  
432 **DIRECT INFRINGEMENT OF COPYRIGHTS**  
433 **VAu 1-186-860 Title of Work: Drawing 10.3 The Electronic Reading Device Patent**  
434 **Application #07/974,428**  
435 **[17 U.S.C. §§101, SEQ.]**  
436

437 On information and belief, Ross further alleges that:

438 Ross incorporates herein by this reference each and every allegation contained in each paragraph  
439 above. Ross refers to and incorporates paragraphs 1 to 60 above as though fully set forth herein.



61. Ross is, and at all relevant times has been, the copyright owner of exclusive rights under the United States Copyright Laws, with respect to certain copyrighted works, including but not limited to, the copyrighted work identified as the registration number captioned above.

62. Apple did file application for one or more design patent, the subject of which was copied from Ross's 1992 design, the copyright registration of which is captioned above.

63. The foregoing acts of infringement have been willful and intentional, in disregard of, and with indifference to, the rights of Ross.

64. As a result of Apple's infringement of Ross's exclusive rights, Ross is entitled to statutory damages pursuant to 17 U.S.C. § 504(c) for Apple's infringement of each of the Copyrighted original works. Ross further is entitled to attorneys' fees and costs pursuant to 17 U.S.C. § 505.

65. The conduct of Apple is causing and, unless enjoined and restrained by this Court, will continue to cause Ross great and irreparable injury that cannot fully be compensated or measured in money. Ross has no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Ross is entitled to injunctive relief prohibiting Apple from further infringing Ross's copyrights, and ordering Apple to destroy all copies and knock-offs made in violation of Ross's exclusive rights.

**COUNT VI**  
**DIRECT INFRINGEMENT OF COPYRIGHTS**

**VAu 1-186-862 Title of Work: Drawing IOA Chart I The Electronic Reading Device Patent**  
**Application # 07/974,428**  
**[17 U.S.C. §§101, SEQ.]**

On information and belief, Ross further alleges that:

465 Ross incorporates herein by this reference each and every allegation contained in each paragraph  
466 above. Ross refers to and incorporates paragraphs 1 to 67 above as though fully set forth herein.

467 66. Ross is, and at all relevant times has been, the copyright owner of exclusive rights under the  
468 United States Copyright Laws, with respect to certain copyrighted works, including but not  
469 limited to, the copyrighted work identified as the registration number captioned above.

470 67. Defendant Apple filed applications, and obtained, one or more patents, the content of which  
471 included charts, some of which were strikingly similar and others were derivative of Ross's  
472 chart, as identified in the copyright registration captioned above.

473 68. Apple utilized this chart as the basis for the process used by iTunes® and iBook Store® to  
474 deliver the content, such as music, books, videos, lectures, etc., to its iTunes® application, to  
475 identify subscribers, and to authorize financial transactions, exactly as illustrated in the  
476 aforementioned flow-chart, identified as captioned above.

477 69. The foregoing acts of infringement have been willful and intentional, in disregard of, and  
478 with indifference to the rights of Ross.

479 70. As a result of Apple's infringement of Ross's exclusive rights, Ross is entitled to statutory  
480 damages pursuant to 17 U.S.C. § 504(c) for Apple's infringement of each of the Copyrighted  
481 original works. Ross further is entitled to attorneys' fees and costs pursuant to 17 U.S.C. §  
482 505.

483 71. The conduct of Apple is causing and, unless enjoined and restrained by this Court, will  
484 continue to cause Ross great and irreparable injury that cannot fully be compensated or  
485 measured in money. Ross has no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and  
486 503, Ross is entitled to injunctive relief prohibiting Apple from further infringing Ross's

copyrights, and ordering Apple to destroy all copies and knock-offs made in violation of Ross's exclusive rights.

**COUNT VII**  
**DIRECT INFRINGEMENT OF COPYRIGHTS**  
**TXu 1-919-460 Title of Work: The Electronic Reading Device Patent Application**  
**#07/974,428**  
**[17 U.S.C. §§101, SEQ.]**

On information and belief, Ross further alleges that:

Ross incorporates herein by this reference each and every allegation contained in each paragraph above. Ross refers to and incorporates paragraphs 1 to 71 above as though fully set forth herein.

72. Ross is, and at all relevant times, has been, the copyright owner of exclusive rights under the United States Copyright Laws, with respect to certain copyrighted works, including but not limited to, the copyrighted work identified as the registration number captioned above.

73. Apple filed applications, and obtained, one or more utility patents, the content of which included phrases, expressions and narrative patterns that are identical to certain phrases, expressions and narrative patterns, found in Ross's text, identified as captioned above. Ross alleges that, these similarities do not survive close scrutiny, as mere coincidence or the consequence of linguistic sparseness causing uniformity in phrases, expressions or descriptions of such devices and their utility.

74. The foregoing acts of infringement have been willful and intentional, in disregard of, and with indifference to, the rights of Ross.

75. As a result of Apple's infringement of Ross's exclusive rights, Ross is entitled to statutory damages pursuant to 17 U.S.C. § 504(c) for Apple's infringement of each of the Copyrighted

original works. Ross further is entitled to attorneys' fees and costs pursuant to 17 U.S.C. § 505.

76. The conduct of Apple is causing and, unless enjoined and restrained by this Court, will continue to cause Ross great and irreparable injury that cannot fully be compensated or measured in money. Ross has no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Ross is entitled to injunctive relief prohibiting Apple from further infringing Ross's copyrights, and ordering Apple to destroy all copies and knock-offs made in violation of Ross's exclusive rights.

**COUNT VIII**  
**WILFULL INFRINGEMENT OF COPYRIGHTS**  
**VAu 1-186-491 Title of Work: Drawing 10.1 The Electronic Reading Device Patent**  
**Application #07/974,428**  
**[17 U.S.C. §§101, SEQ.]**

On information and belief, Ross further alleges that:

Ross incorporates herein by this reference each and every allegation contained in each paragraph above. Ross refers to and incorporates paragraphs 1 to 80 above as though fully set forth herein.

77. Ross is informed and believes, and based thereon alleges that by refusing to comply with Ross's Cease and Desist letter of March 10, 2015 within the time periods provided, Apple has established willful infringement.

78. Apple continues to infringe the copyrights by continuing to publish and sell the infringing materials in violation of the copyrights, and further has engaged in unfair trade practices and unfair competition in connection with its publication and sale of the infringing material, thus causing irreparable damage.

**COUNT IX**

**WILFULL INFRINGEMENT OF COPYRIGHTS**

**VAu 1-186-859 Title of Work: Drawing 10.2 The Electronic Reading Device Patent  
Application #07/974,428  
[17 U.S.C. §§101, SEQ.]**

On information and belief, Ross further alleges that:

Ross incorporates herein by this reference each and every allegation contained in each paragraph above. Ross refers to and incorporates paragraphs 1 to 80 above as though fully set forth herein.

79. Ross is informed and believes, and based thereon alleges that by refusing to comply with Ross's Cease and Desist letter of March 10, 2015 within the time periods provided, Apple has established willful infringement.

80. Apple continues to infringe the copyrights by continuing to publish and sell the infringing materials in violation of the copyrights, and further has engaged in unfair trade practices and unfair competition in connection with its publication and sale of the infringing material, thus causing irreparable damage.

**COUNT X**

**WILFULL INFRINGEMENT OF COPYRIGHTS**

**VAu 1-186-860 Title of Work: Drawing 10.3 The Electronic Reading Device Patent  
Application #07/974,428  
[17 U.S.C. §§101, SEQ.]**

On information and belief, Ross further alleges that:

Ross incorporates herein by this reference each and every allegation contained in each paragraph above. Ross refers to and incorporates paragraphs 1 to 80 above as though fully set forth herein.

81. Ross is informed and believes, and based thereon alleges that by refusing to comply with Ross's Cease and Desist letter of March 10, 2015 within the time periods provided, Apple has established willful infringement.

82. The Apple continues to infringe the copyrights by continuing to publish and sell the infringing materials in violation of the copyrights, and further has engaged in unfair trade practices and unfair competition in connection with its publication and sale of the infringing material, thus causing irreparable damage.

**COUNT XI**

**WILFULL INFRINGEMENT OF COPYRIGHTS**

**VAu 1-186-862 Title of Work: Drawing IOA Chart I The Electronic Reading Device Patent Application # 07/974,428 [17 U.S.C. §§101, SEQ.]**

On information and belief, Ross further alleges that:

Ross incorporates herein by this reference each and every allegation contained in each paragraph above. Ross refers to and incorporates paragraphs 1 to 80 above as though fully set forth herein.

83. Ross is informed and believes, and based thereon alleges that by refusing to comply with Ross's Cease and Desist letter of March 10, 2015 within the time periods provided, Apple has established willful infringement.

84. Apple continues to infringe the copyrights by continuing to publish and sell the infringing materials in violation of the copyrights, and further has engaged in unfair trade practices and unfair competition in connection with its publication and sale of the infringing material, thus causing irreparable damage.

**COUNT XII**

**WILFULL INFRINGEMENT OF COPYRIGHTS**

**TXu 1-919-460 Title of Work: The Electronic Reading Device Patent Application #07/974,428 [17 U.S.C. §§101, SEQ.]**

On information and belief, Ross further alleges that:

Ross incorporates herein by this reference each and every allegation contained in each paragraph above. Ross refers to and incorporates paragraphs 1 to 80 above as though fully set forth herein.

85. Ross is informed and believes, and based thereon alleges that by refusing to comply with Ross's Cease and Desist letter of March 10, 2015 within the time periods provided, Apple has established willful infringement.

86. Apple continues to infringe the copyrights by continuing to publish and sell the infringing materials in violation of the copyrights, and further has engaged in unfair trade practices and unfair competition in connection with its publication and sale of the infringing material, thus causing irreparable damage.

**COUNT XIII**

**UNJUST ENRICHMENT RESULTING FROM INFRINGEMENT OF COPYRIGHTS**

**VAu 1-186-491 Title of Work: Drawing 10.1 The Electronic Reading Device Patent**

**Application #07/974,428**

**[17 U.S.C. §§101, SEQ.]**

On information and belief, Ross further alleges that:

Ross refers to and incorporates paragraphs 1 to 80 above as though fully set forth herein.

87. As a result of the conduct alleged herein, Apple has been unjustly enriched to Ross's detriment. Ross seeks a worldwide accounting and disgorgement of all ill-gotten gains and profits resulting from Apple's inequitable activities.

**COUNT XIV**

**UNJUST ENRICHMENT RESULTING FROM INFRINGEMENT OF COPYRIGHTS**

**VAu 1-186-859 Title of Work: Drawing 10.2 The Electronic Reading Device Patent**

**Application #07/974,428**

**[17 U.S.C. §§101, SEQ.]**

On information and belief, Ross further alleges that:

Ross refers to and incorporates paragraphs 1 to 80 above as though fully set

620 forth herein.

621 88. As a result of the conduct alleged herein, Apple has been unjustly enriched to  
622 Ross's detriment. Ross seeks a worldwide accounting and disgorgement of all ill-gotten gains  
623 and profits resulting from Apple's inequitable activities.

624 **COUNT XV**

625 **UNJUST ENRICHMENT RESULTING FROM INFRINGEMENT OF COPYRIGHTS**

626 **VAu 1-186-860 Title of Work: Drawing 10.3 The Electronic Reading Device Patent**

627 **Application #07/974,428**

628 **[17 U.S.C. §§101, SEQ.]**  
629

630 On information and belief, Ross further alleges that:

631 Ross refers to and incorporates paragraphs 1 to 80 above as though fully set  
632 forth herein.

633 89. As a result of the conduct alleged herein, Apple has been unjustly enriched to  
634 Ross's detriment. Ross seeks a worldwide accounting and disgorgement of all ill-gotten gains  
635 and profits resulting from Apple's inequitable activities.

636 **COUNT XVI**

637 **UNJUST ENRICHMENT RESULTING FROM INFRINGEMENT OF COPYRIGHTS**

638 **VAu 1-186-862 Title of Work: Drawing IOA Chart I The Electronic Reading Device Patent**

639 **Application # 07/974,428**

640 **[17 U.S.C. §§101, SEQ.]**  
641

642 On information and belief, Ross further alleges that:

643 Ross refers to and incorporates paragraphs 1 to 80 above as though fully set  
644 forth herein.

645 90. As a result of the conduct alleged herein, Apple has been unjustly enriched to  
646 Ross's detriment. Ross seeks a worldwide accounting and disgorgement of all ill-gotten gains  
647 and profits resulting from Apple's inequitable activities.



**COUNT XVII**  
**UNJUST ENRICHMENT RESULTING FROM INFRINGEMENT OF COPYRIGHTS**  
**TXu 1-919-460 Title of Work: The Electronic Reading Device Patent Application**  
**#07/974,428**  
**[17 U.S.C. §§101, SEQ.]**

On information and belief, Ross further alleges that:

Ross refers to and incorporates paragraphs 1 to 80 above as though fully set forth herein.

91. As a result of the conduct alleged herein, Apple has been unjustly enriched to Ross's detriment. Ross seeks a worldwide accounting and disgorgement of all ill-gotten gains and profits resulting from Apple's inequitable activities.

**PRAYER FOR RELIEF**

WHEREFORE, Ross prays for judgment against Apple as follows:

**A. COPYRIGHT INFRINGEMENTS**

1. Generally, for an injunction providing that:

"Apple shall be and hereby is enjoined from directly or indirectly infringing Ross's rights under federal or state law in the Copyrighted works and any works, whether now in existence or later created, that is owned or controlled by Ross (or any parent, subsidiary, affiliate entity, or Licensee of Ross) ("Ross's works"), including, without limitation, by using the Internet or any online media distribution system, to reproduce any of Ross's original works, to distribute any of Ross's original works, or to make any

of Ross's original works available for distribution to the public, except pursuant to a lawful license or with the express authority of Ross. Apple also shall destroy all copies of Ross's original works that Apple has warehoused anywhere in the world, including owned, rented, leased facilities, or delivered to any Bailee, without Ross's authorization and shall destroy all copies of those original works transferred onto any physical medium or device, in Apple's possession, custody, or control."

2. For statutory damages for each infringement of each Copyrighted work pursuant to 17 U.S.C. § 504:

A. VAu 1-186-491 Title of Work: Drawing 10.1 The Electronic Reading Device Patent Application #07/974,428

1) For any and all damages sustained by Ross in a sum no less than \$3 Billion US);

2) For all of Apple's profits wrongfully derived from the infringement of Ross's intellectual property rights in an amount no less than \$8 Billion US);

3) For future use of Ross's copyright property, a reasonable royalty of no less than 1.5% of worldwide gross sales, or such other arrangement as this Court may deem appropriate.

B. VAu 1-186-859 Title of Work: Drawing 10.2 The Electronic Reading Device Patent Application #07/974,428

1) For any and all damages sustained by Ross in a sum no less than \$150 Million US);

2) For all of Apples' profits wrongfully derived from the infringement of Ross's intellectual property rights in an amount no less than \$350 Million US);

3) For future use of Ross's copyright property, a reasonable royalty of no less than 0.5% of worldwide gross sales, or such other arrangement as this Court may deem appropriate.

C. VAu 1-186-860 Title of Work: Drawing 10.3 The Electronic Reading Device Patent Application # 07/974,428

1) For any and all damages sustained by Ross in a sum no less than \$150 Million US);

2) For all of Apple's profits wrongfully derived from the infringement of Ross's intellectual property rights in an amount no less than \$350 Million US);

3) For future use of Ross's copyright property, a reasonable royalty of no less than 0.5% of worldwide gross sales, or such other arrangement as this Court may deem appropriate.

D. VAu 1-186-862 Title of Work: Drawing 10.4 Chart I The Electronic Reading Device Patent Application # 07/974,428

1) For any and all damages sustained by Ross in a sum no less than \$250 Million US);

2) For all of Apples' profits wrongfully derived from the infringement of Ross's intellectual property rights in an amount no less than \$750 Million US);

722 3) For future use of Ross's copyright property, a reasonable royalty of no  
723 less than 0.5% of worldwide gross sales, or such other arrangement as  
724 this Court may deem appropriate.

725  
726 E. TXu 1-919-460 Title of Work: The Electronic Reading Device Patent  
727 Application #07/974,428

728 1) For any and all damages sustained by Ross in a sum no less than \$900  
729 Thousand US);

730 2) For all of Apple's benefits wrongfully derived from the infringement  
731 of Ross's intellectual property rights in an amount no less than \$3.5  
732 Million US);

733 3. For Ross's costs in this action.

734 4. For Ross's reasonable attorneys' fees incurred herein.

735 5. For such other and further relief as the Court may deem just and proper.

736 6. A judgment that Apple has infringed one of more claims of each of Ross's  
737 asserted copyrights;

738 7. An order and judgment preliminarily and permanently enjoining Apple and its  
739 officers, directors, agents, servants, employees, affiliates, attorneys, and all others  
740 acting in privity or in concert with them, and their parents, subsidiaries, divisions,  
741 successors and assigns, from further acts of infringement of Ross's asserted  
742 copyrights;

743 8. A judgment awarding Ross all damages adequate to compensate for Apple's

infringement of Ross's asserted copyrights, and in no event less than a reasonable royalty for Apple's acts of infringement, including all pre-judgment and post-judgment interest at the maximum rate permitted by law;

9. A judgment awarding Ross all damages, including treble damages, based on any infringement found to be willful, pursuant to 35 U.S.C. § 284, together with prejudgment interest;

10. An order preliminarily and permanently enjoining Apple and its officers, directors, agents, servants, employees, affiliates, attorneys, and all others acting in privity or in concert with them, and their parents, subsidiaries, divisions, successors and assigns, from directly or indirectly infringing Ross's copyrights; or such other relief as the Court may deem appropriate.

#### B. RESTITUTION

1. An order granting Ross's demand for restitution for all of Apple's property wrongfully derived from the misappropriation, conversion and transfer of Ross's chattel, in an amount no less than \$10 Billion US);

2. An order granting Ross's demand of forfeiture of all of Apple's utility Patents, derived, directly or indirectly, as a result of misappropriation, conversion or transfer of Ross's chattel;

3. An order granting Ross's demand of forfeiture of all of Apple's design Patents whose subject chattel was misappropriated from Ross;

or grant such other relief as the Court may deem appropriate.

#### **Demand for Jury Trial**

Pursuant to Federal Rule of Civil Procedure 38(b), Ross demands trial by jury of  
all issues triable by right of jury.

THOMAS S. ROSS

Dated: June 27, 2016

Respectfully submitted,

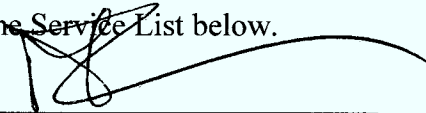


THOMAS S. ROSS  
Pro Se Attorney  
P.O. Box 279381  
Miramar, Florida 33027  
Telephone: 954-312-7532  
Facsimile: 954-312-7604  
Email: erd1992@globalize.com

### Certificate of Service

**I hereby certify** that a true and correct copy of the foregoing was served by US Mail on

June 27, 2016 on all counsel or parties of record on the Service List below.



THOMAS S. ROSS  
Attorney *Pro Se*  
P.O. Box 279381  
Miramar, Florida 33027  
Telephone: 954-312-7532

Facsimile: 954-312-7604

Email: erd1992@globalize.com

**SERVICE LIST**

794  
795  
796  
797

798 Jeffrey V. Lasker, IP Transactions  
799 Attorney E-mail Address (if applicable)  
800 APPLE, INC.  
801 1 Infinite Loop MS 169-31PL  
802 Cupertino, California 95014  
803 Telephone: (xxx)xxx-xxxx  
804 Facsimile: (xxx)xxx-xxxx  
805 Attorney for Apple. Inc.  
806  
807

808 **UNITED STATES DISTRICT COURT**  
809 **SOUTHERN DISTRICT OF FLORIDA**  
810

811  
812 THOMAS S. ROSS, )  
813 Plaintiff )  
814 vs. )  
815 )  
816 APPLE, INC., a California corporation )  
817 ) **JURY TRIAL DEMANDED**  
818 Defendant )  
819 \_\_\_\_\_  
820

821 **EXHIBITS**  
822 **IN SUPPORT OF COMPLAINT FOR MISAPPROPRIATION OF INTELLECTUAL**  
823 **PROPERTY AND COPYRIGHT INFRINGEMENTS**  
824

- 825 **A. Ross's Grant of Filing Date for Patent Application 07/974,428, dated 11/12/1992**  
826 **B. Ross's 1992 Original Drawings and Text and corresponding Certificates of Copyright**  
827 **Registrations:**  
828 1. VAu 1-186-491 Title of Work: Drawing 10.1 The Electronic Reading Device  
829 Patent Application #07/974,428  
830 2. VAu 1-186-859 Title of Work: Drawing 10.2 The Electronic Reading Device  
831 Patent Application #07/974,428  
832 3. VAu 1-186-860 Title of Work: Drawing 10.3 The Electronic Reading Device  
833 Patent Application # 07/974,428  
834 4. VAu 1-186-862 Title of Work: Drawing 10.4 Chart I The Electronic Reading  
835 Device Patent Application # 07/974,428  
836 5. TXu 1-919-460 Title of Work: The Electronic Reading Device Patent Application  
837 #07/974,428  
838 **C. Cease and Desist Demand**  
839 1. Ross's Cease and Desist Demand Letter  
840 2. Ross's Supplemental documents requested by Apple  
841 3. Ross's Follow up letter to phone conversation dated 4/20/2015  
842 4. Apple's final response  
843 **D. Samples of Apple's infringing products**  
844 1. Apple's Restated Articles of Incorporation  
845 2. Apple's devices  
846 3. Apple's iTunes Store Communication Chart  
847 4. Apple's print packaging  
848 5. Apple's print advertising  
849 6. Apple's Steve Jobs Quotes  
850 7. Apple's Financial Charts and Reports  
851



813 UNITED STATES DISTRICT COURT  
814 SOUTHERN DISTRICT OF FLORIDA  
815  
816

817 THOMAS S. ROSS, )  
818 Plaintiff )  
819 vs. )  
820 )  
821 APPLE, INC., a California corporation )  
822 ) JURY TRIAL DEMANDED  
823 Defendant )  
824  
825

---

826 **EXHIBITS**  
827 **IN SUPPORT OF COMPLAINT FOR MISAPPROPRIATION OF INTELLECTUAL**  
828 **PROPERTY AND COPYRIGHT INFRINGEMENTS**  
829

- 830 A. Ross's Grant of Filing Date for Patent Application **07/974,428, dated 11/12/1992**  
831 B. Ross's 1992 Original Drawings and Text and corresponding Certificates of Copyright  
832 Registrations:  
833 1. VAu 1-186-491 Title of Work: Drawing 10.1 The Electronic Reading Device  
834 Patent Application #07/974,428  
835 2. VAu 1-186-859 Title of Work: Drawing 10.2 The Electronic Reading Device  
836 Patent Application #07/974,428  
837 3. VAu 1-186-860 Title of Work: Drawing 10.3 The Electronic Reading Device  
838 Patent Application # 07/974,428  
839 4. VAu 1-186-862 Title of Work: Drawing 10.4 Chart I The Electronic Reading  
840 Device Patent Application # 07/974,428  
841 5. TXu 1-919-460 Title of Work: The Electronic Reading Device Patent Application  
842 #07/974,428  
843 C. Cease and Desist Demand  
844 1. Ross's Cease and Desist Demand Letter  
845 2. Ross's Supplemental documents requested by Apple  
846 3. Ross's Follow up letter to phone conversation dated 4/20/2015  
847 4. Apple's final response  
848 D. Samples of Apple's infringing products  
849 1. Apple's Restated Articles of Incorporation  
850 2. Apple's devices  
851 3. Apple's iTunes Store Communication Chart  
852 4. Apple's print packaging  
853 5. Apple's print advertising  
854 6. Apple's Steve Jobs Quotes  
855 7. Apple's Financial Charts and Reports  
856

# EXHIBIT A


**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER FILING DATE FIRST NAMED APPLICANT ATTORNEY DOCKET NO./TITLE

07/974,428 11/12/92 ROSS

03B1/1221

 THOMAS S. ROSS  
1287 GLENVIEW AVE.  
HIGHLAND PARK, IL 60035

0000

DATE MAILED:

12/21/93

**NOTICE TO FILE MISSING PARTS OF APPLICATION.  
FILING DATE GRANTED**

A filing date has been granted to this application. However, the following parts are missing.

If all missing parts are filed within the period set below, the total amount owed by applicant as a

~~X~~ large entity, ☐ small entity (verified statement filed), is \$ 840.00.

 1. ~~X~~ The statutory basic filing fee is: ~~X~~ missing ☐ insufficient. Applicant as a ~~X~~ large entity

☐ small entity, must submit \$ 710.00 to complete the basic filing fee and MUST ALSO  
SUBMIT THE SURCHARGE AS INDICATED BELOW.

 2. ☐ Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple  
dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional  
claims for which fees are due. NO SURCHARGE IS REQUIRED FOR THIS ITEM.

 3. ~~X~~ The oath or declaration:

~~X~~ is missing.  
☐ does not cover items omitted at time of execution.

 An oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application  
Number and Filing Date is required. A SURCHARGE MUST ALSO BE SUBMITTED AS INDICATED  
BELOW.


# **EXHIBIT B**

# DRAWING I



BY: THOMAS S. ROSS

© JUNE 28, 1992

PATENT PENDING

## OPTIONAL DEVICE LABELS

- PALM-TEXT
- HAND-BOOK
- LIBRETTO
- POCKET-BOOK
- DATA-BOOK
- PAPER-BOOK

A

## DESCRIPTION OF DEVICE

THIS IS A COMPUTERIZED READING DEVICE.

- 1) THE DEVICE THAT CONTAINS THE TEXT IS LOADED.
- 2) SELECT PAGE OR START AT LAST-PAGE-READ.
- 3) BUILT IN OPTIONS

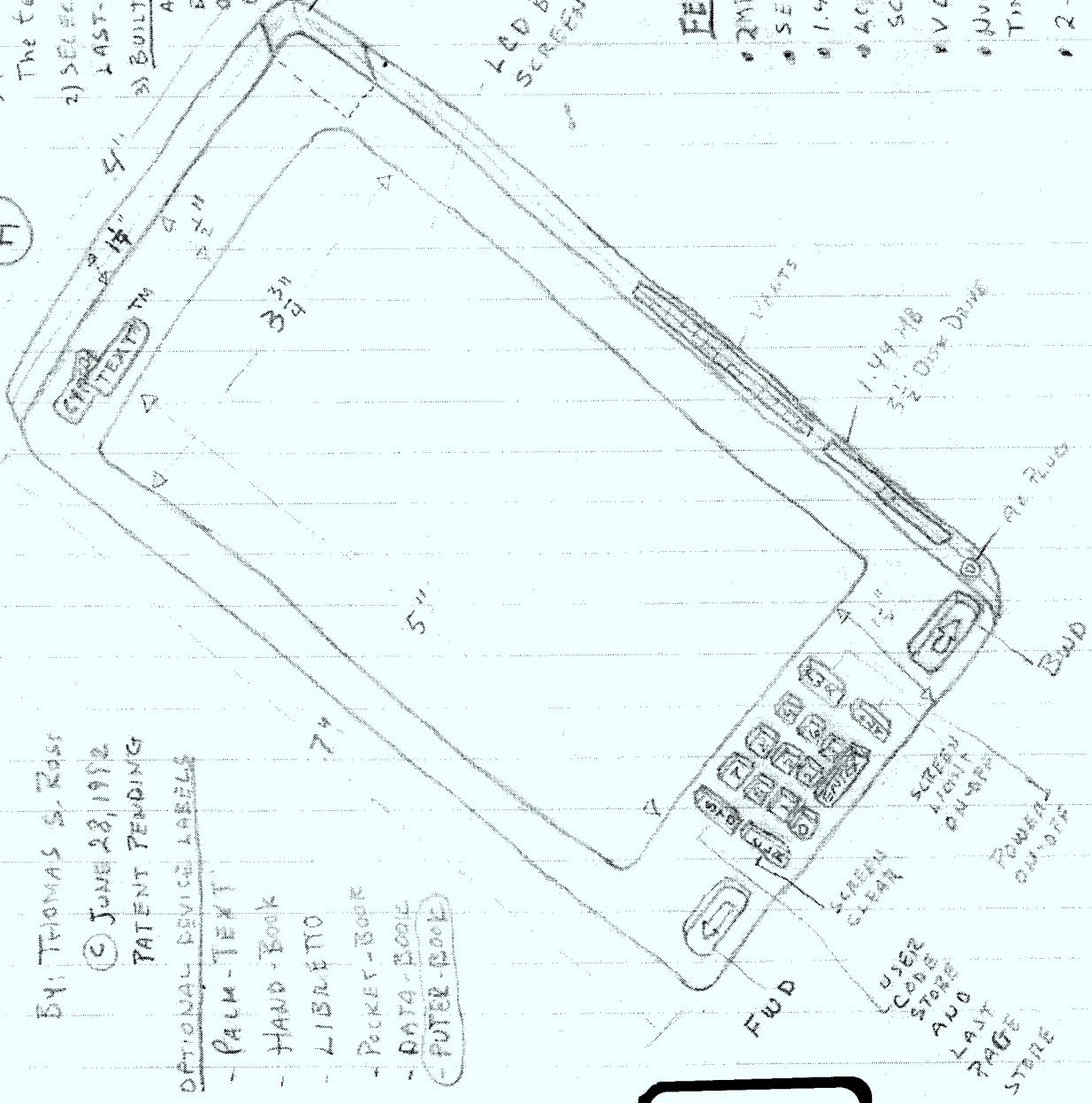
- A. CALCULATOR
- B. CALENDAR
- C. CLOCK
- D. TIMER
- E. SKY-STREAM MESSAGE HANDLER

SNAP-ON RECHARGEABLE BATTERIES

LED BACK-LIT SCREEN (COLOR)

## FEATURES

- 2MB RAM MEMORY - 2MB ROM
- SELF-BOOTING MS-DOS BASED
- 1.44 MB 3 1/2" DISKETTE DRIVE
- 320 X 200 SUPER TWIST SCREEN (COLOR OPTIONAL)
- VGA GRAPHICS ADAPTER (OPTIONAL)
- NUMERIC KEY BOARD (PHONE STYLE)
- TIMED-LIGHTED
- 2-3 WRS RECHARGEABLE BATTERY (OR SOLAR CELLS OR 120V AC)



# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

**Registration Number**  
**VAu 1-186-491**

**Effective date of  
registration:**

May 4, 2014

## Title

**Title of Work:** Drawing 10.1 The Electronic Reading Device Patent Application #07/974,428

**Title of Larger Work:** The Electronic Reading Device Patent Application # 07/974,428

## Completion/Publication

**Year of Completion:** 1992

## Author

■ **Author:** Thomas S. Ross  
**Author Created:** text, technical drawing  
**Citizen of:** United States  
**Year Born:** 1944

## Copyright claimant

**Copyright Claimant:** Thomas S. Ross  
[REDACTED], Miramar, FL, 33027, United States

## Rights and Permissions

**Name:** Thomas S. Ross  
**Email:** tross@globalize.com **Telephone:** [REDACTED]  
**Address:** [REDACTED]  
Miramar, FL 33027 United States

## Certification

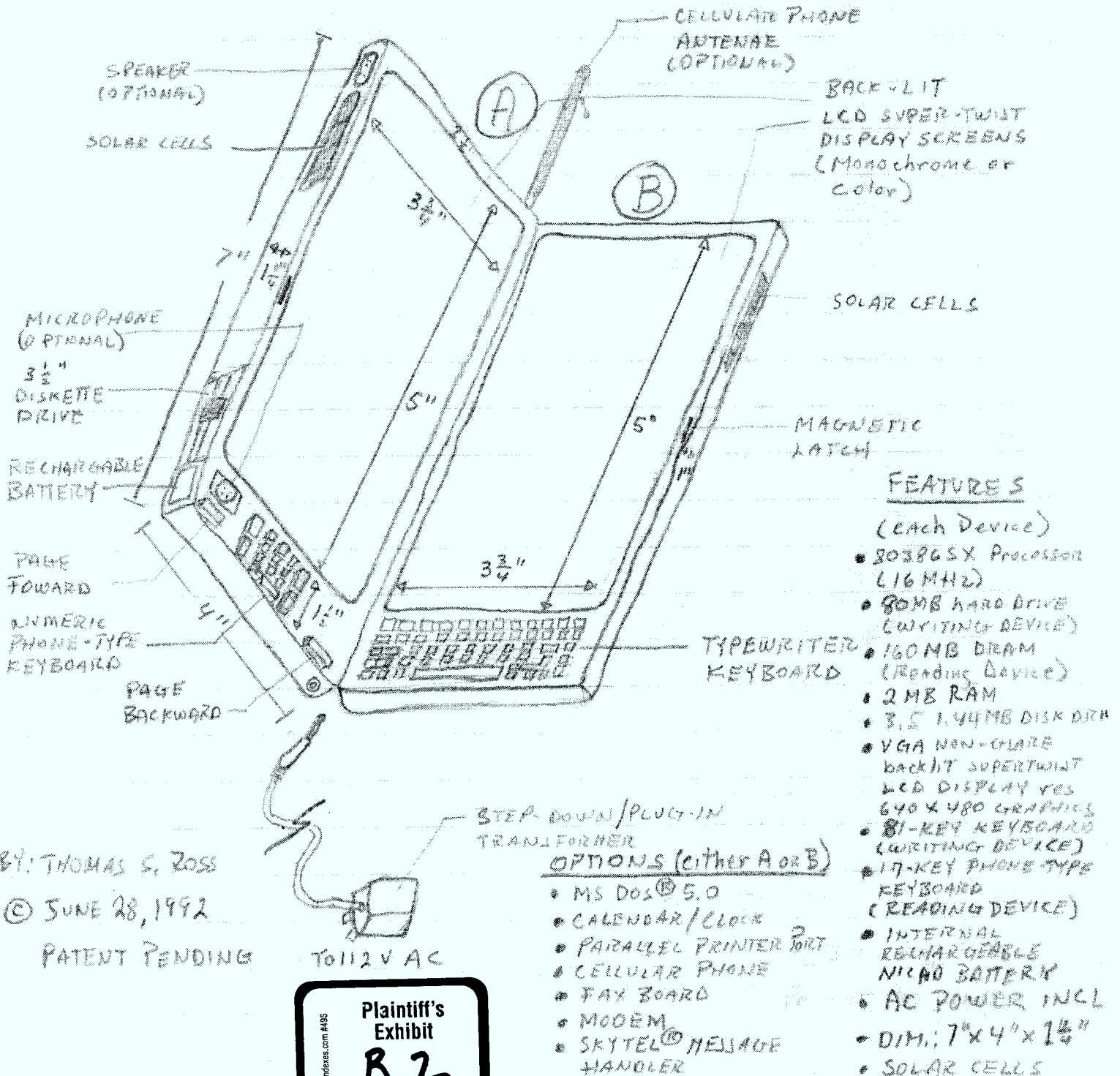
**Name:** Thomas S Ross  
**Date:** May 4, 2014

**Correspondence:** Yes

10.2

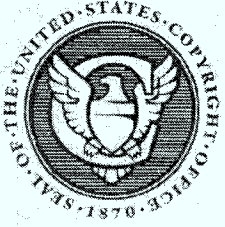
DRAWING II

A - Reading Device (CYPER-TEXT™)  
B - Writing Device (CYPER-NOTE™)





# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

Registration Number  
**VAu 1-186-859**

Effective date of  
registration:  
May 4, 2014

## Title

**Title of Work:** Drawing 10.2 The Electronic Reading Device Patent Application #07/974,428

**Title of Larger Work:** The Electronic Reading Device Patent Application #07/974,428

## Completion/Publication

**Year of Completion:** 1992

## Author

■ **Author:** Thomas S. Ross

**Author Created:** text, technical drawing

**Citizen of:** United States

## Copyright claimant

**Copyright Claimant:** Thomas S. Ross

██████████ Miramar, FL, 33027, United States

## Rights and Permissions

**Name:** Thomas S. Ross

**Email:** tross@globalize.com

**Telephone:** ██████████

**Address:** ██████████

Miramar, FL 33027 United States

## Certification

**Name:** Thomas S Ross

**Date:** May 4, 2014

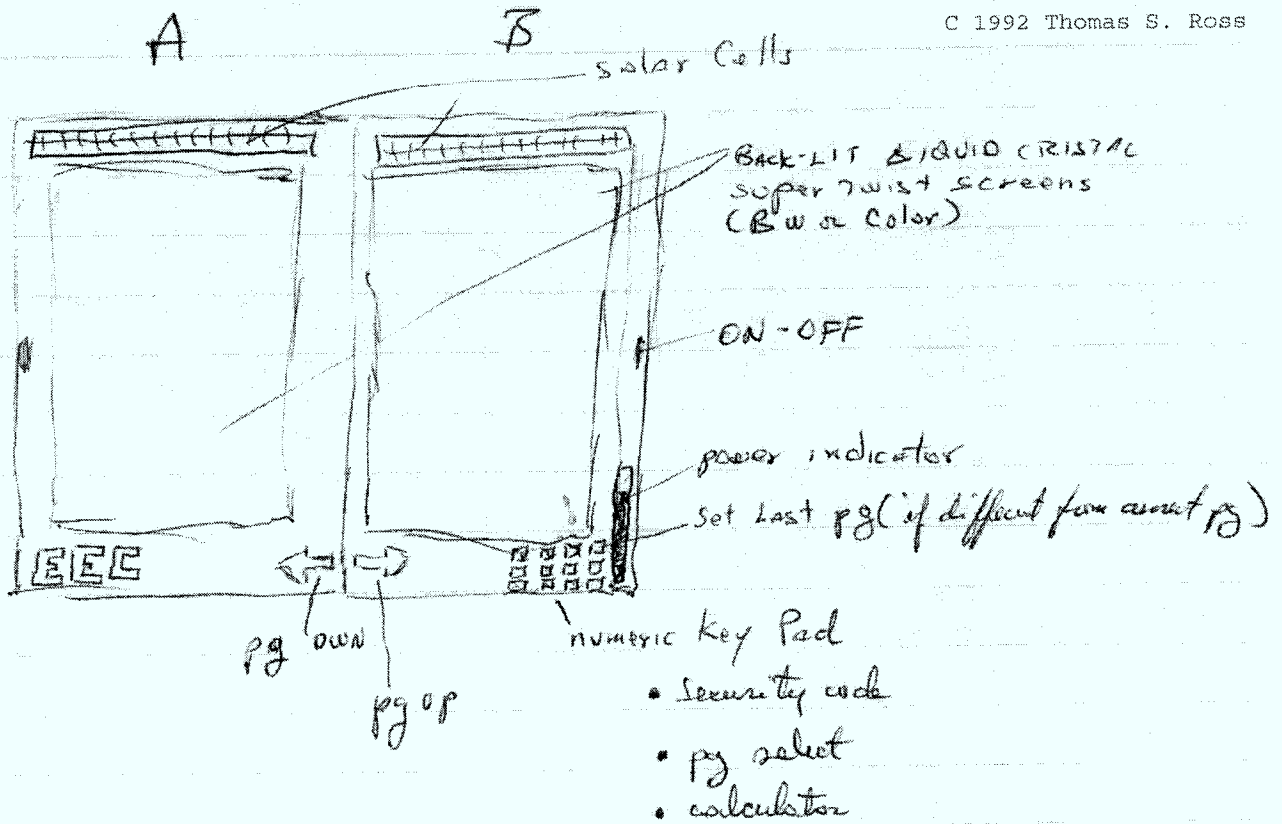


May 23, 1992

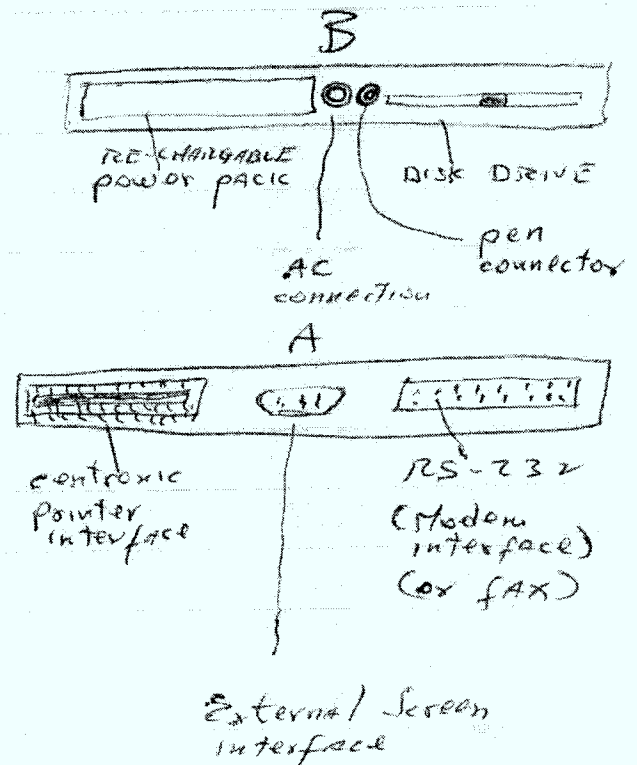
T. Ross

© 1992 Thomas S. Ross

CYPHER

Electronic  
Paper backReading  
DeviceFeatures

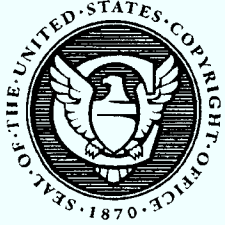
1. DOS operating system
2. automatic bootstrap
3. Owner Security
4. Authorized user list
5. ROM capacity?
6. Graphics?
7. Variable type
8. rechargeable battery (12 hrs)
9. Disk Drive (1.44 mgb) OSDD
10. Synchronized dual screens
11. parallel printer interface
12. Modem/Fax
13. External Screen Interface
14. A - Display Screen (OUTPUT)  
B - Note pad w/pen (INPUT)

Plaintiff's  
Exhibit

B.3

enbindex.com #498

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

**Registration Number**  
**VAu 1-186-860**

**Effective date of  
registration:**  
May 4, 2014

## Title

**Title of Work:** Drawing 10.3 The Electronic Reading Device Patent Application # 07/974,428

**Title of Larger Work:** The Electronic Reading Device Patent Application # 07/974,428

## Completion/Publication

**Year of Completion:** 1992

## Author

■ **Author:** Thomas S. Ross  
**Author Created:** text, technical drawing  
**Citizen of:** United States  
**Year Born:** 1944

## Copyright claimant

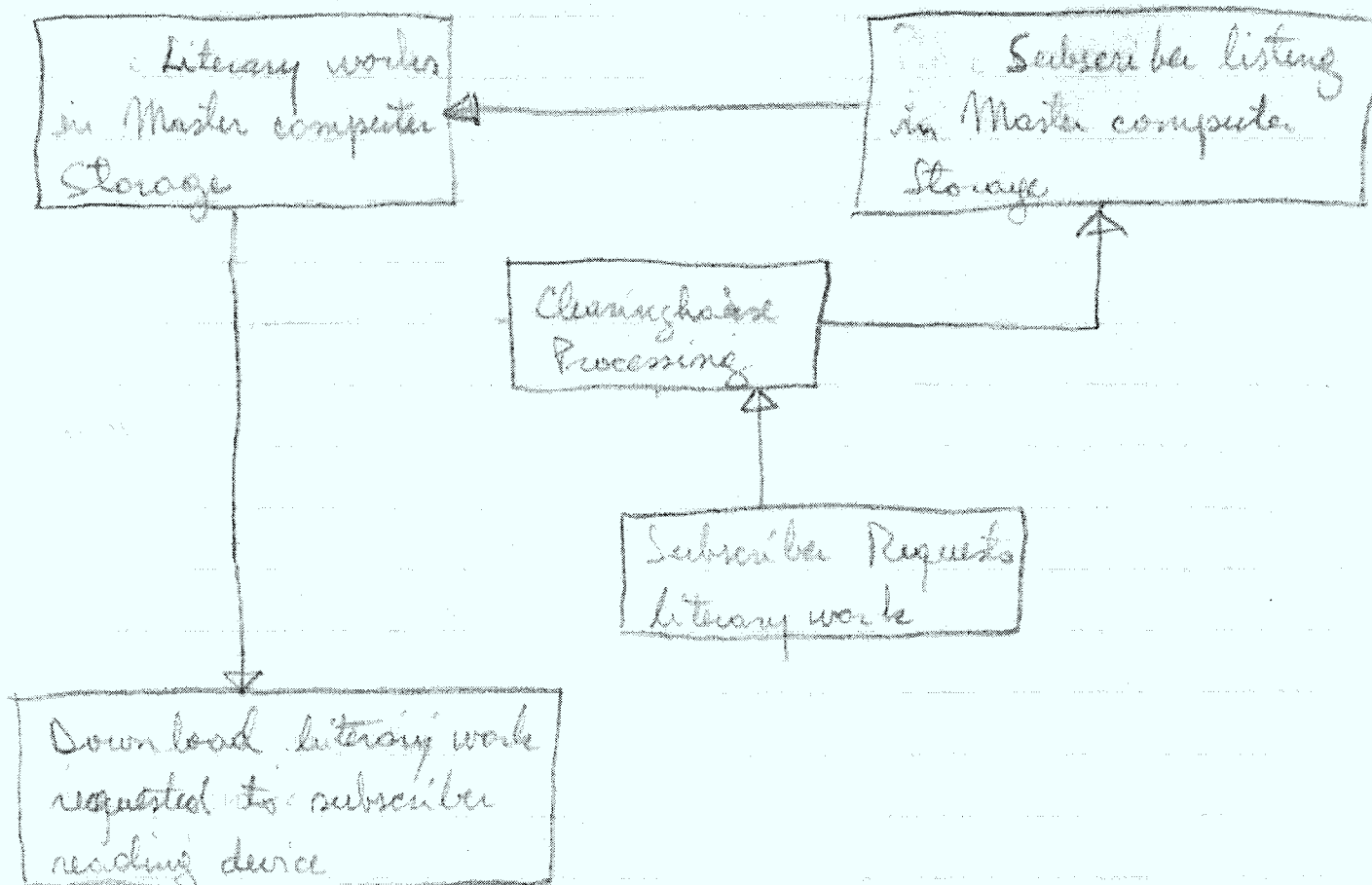
**Copyright Claimant:** Thomas S. Ross  
[REDACTED], Miramar, FL, 33027, United States

## Rights and Permissions

**Name:** Thomas S. Ross  
**Email:** tross@globalize.com **Telephone:** [REDACTED]  
**Address:** [REDACTED]  
Miramar, FL 33027 United States

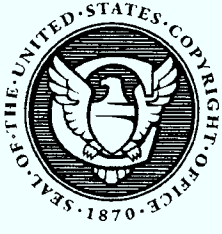
## Certification

**Name:** Thomas S Ross  
**Date:** May 4, 2014

Staygold System for use with ERDMethods of transmission

- 1) Magnetic storage medium (disk-drive, only, Models)
- 2) Conventional switched telephone lines (Modem Models)
- 3) Built-in cellular communication component (cellular network access Models)





This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

**Registration Number**  
**VAu 1-186-862**

**Effective date of  
registration:**  
May 4, 2014

**Title**

**Title of Work:** Drawing 10.4 Chart 1 The Electronic Reading Device Patent Application # 07/974,428  
**Title of Larger Work:** The Electronic Reading Device Patent Application # 07/974,428

**Completion/Publication**

**Year of Completion:** 1992

**Author**

■ **Author:** Thomas S. Ross  
**Author Created:** text, technical drawing  
**Citizen of:** United States  
**Year Born:** 1944

**Copyright claimant**

**Copyright Claimant:** Thomas S. Ross  
[REDACTED] Miramar, FL, 33027, United States

**Rights and Permissions**

**Name:** Thomas S. Ross  
**Email:** tross@globalize.com **Telephone:** [REDACTED]  
**Address:** [REDACTED]  
Miramar, FL 33027 United States

**Certification**

**Name:** Thomas S Ross  
**Date:** May 4, 2014

**APPLICATION FOR PATENT**  
**BY**  
**THOMAS S. ROSS**  
**FOR**  
**The Electronic Reading Device**

C 1992 Thomas S. Ross



TABLE OF CONTENTS

	Page
1.0 Specifications.....	2
2.0 Drawings.....	9
3.0 Oath by applicant.....	11

BASIS FOR APPLICATION FOR A PATENT

THE ELECTRONIC READING DEVICE, application for a patent for which is herewith made, is a device which, by aggregating existing component devices in such a manner as to constitute an original invention, as defined under Title 35 USCA, 100, constitutes **"new use"** of a known process and machine, and is, therefore, patentable pursuant to Title 35 USCA, 101, 102 and 103.

The application for a patent for THE ELECTRONIC READING DEVICE is made this **tenth day of September, 1992**, by providing the **Specifications**, pursuant to Title 35 USCA, 112, a **Drawing** of the device, pursuant to Title 35 USCA, 113 and a **Oath** pursuant to Title 35 USCA, 115, as provided for in Title 35 USCA, 111 of Chapter 11 - Application for Patent.

## **1.0 Specifications**

### **1.1 Description of invention**

### **1.2 Claims**

### **1.1 Description of invention**

The device, constituting the invention, is a computerized, electronic reading device, the purpose of which is to provide an alternative to paper-based print media such as books, magazines, manuscripts and news media.

In general, the Electronic Reading Device shall function as a book, having portability, ease of use, variety of physical size, capacity for amount and type of information generally associated with paperback books, hard-bound books, instructional textbooks, magazines, newsprint and all manner of printed reading material but without the physical limitations inherent with paper media, pages, single volume use and the deteriorating qualities characteristic with all such printed media. Rather, the Electronic reading device will generally be comprised of **hardware** and **software** the combination of which shall allow for the use of the same physical device for many units of information, generally organized as works of literature, instructional texts, news information, artistic displays, technical and scientific writings, legal and business information, as well as entertainment information.



The **hardware** shall be of the dimensions and weight generally varied in size to that associated with the range between a paperback and a hard-bound, standard textbook. The reading device shall comprise of an input-output machine capable of accepting information from an external storage medium and storing same, internally in such a fashion as to remain at the user's disposal until disposed of subject only to the capacity limitations of the **internal storage** component. It shall further be capable of displaying the desired information on an output component such as a built-in **display screen**, which may be limited to "text" material or may, optionally, be capable of displaying "graphic" material in monochrome or color, depending on the desired model. The reading device shall, further, be capable of accepting and processing information provided by the user. Such information shall be accepted through an input component such as a built-in **keyboard**, touch-screen, or mouse-type input component, whose **functionality** may be limited to accepting commands for the purpose of terminating the device (power On-off), turning the screen light on or off, clearing the screen, storing authorized user codes, storing last-page on display before power-off, page selection and paging forward or backward, or it may be further expanded to include more extensive input such as the capability of accepting user's notations and requests for other ancillary functions, if installed, such as calendar, time, calculator, timer, messaging as well as other built-in or add-on functions. Finally, the reading device shall have a **power supply** that will allow it to operate with or without a dependent AC power source, having a built-in,

rechargeable power storage device such as an easily replaceable battery and/or solar cell component, and the means to connect to a standard AC power source.

The **software** shall comprise of a self-booting **operating system** that will provide management of programmed instructions and information sufficient to process the necessary input-output functions inherent to the design of the electronic reading device. It shall also include proprietary **program products** necessary to provide the functionality generally associated with the reading and, optionally, writing of printed material.. The device may, also, include proprietary program products to allow for security functions, printing and communication functions as well as clock, calendar, timer and other numeric calculations. The device shall also contain software functions generally associated with a group of programs known as **utilities**, such as sorting, organizational tools, logs and install facility, menu handling and message handling functions.

In its simplest form, the user shall **operate** the reading device by being able to hold it on one hand, turn on the power by pressing the power key, enter the pre-selected user code, and turn the screen light on or off, depending on the ambient light conditions. At this point, the reading device shall activate the initialization process (boot up) provided by the installed operating system, and shall then display a "Master Menu" allowing the user to select a number of functions, as previously described, so long as those functions

had been previously installed. Where the reading function is selected, the device shall load the selected reading material, if internally installed, otherwise, it shall request that the user load the desired text through the external input device component such as a magnetic medium (floppy diskette), CD or by transmission component. Having completed the loading of the text material, the reading device shall automatically display the last page on the screen before termination of the reading function. Should the user desire to access a page other than the one on display, the user may select such a page through the input component, or may page forward or backward one page at the time, or may go directly to the first or last page of the text by activating the appropriate key provided for that purpose.

In its more complex form, the reading device may accept notations made by the user, via the input component, in such a manner as to associate such notes with the specific text loaded, as well as, if desired, with a specific page on the display screen at the time the notes were taken. The device shall, further, be capable of re-displaying such notations with reference to its associated text and page, in conjunction with the actual text and page referenced, or independently. The notations made by the user may, optionally, be displayed on a separate screen, similar in size and dimensions as the display screen used for the reading material, thus positioning one adjacent to the other in such a manner as to provide two separate, but connected, leaves, providing an effect much like the two leaves of an open book, where one side shall be the reading material and the other shall be the user's note-book, or they may be displayed on the same

:

single-leaved display screen providing a "split-screen" display where the top part, for example, would display the reading text and the bottom portion would display the user's notes, one portion operating independently of the other while still retaining their relationship of reference.

Other ancillary functions installed in the reading device would be selected by the user, from the master menu and might be activated simultaneously with the reading/writing function, as an overlay to the primary screen display, or may be activated to perform on a dedicated basis and on a cleared screen.

## 1.2 Claim

The electronic reading device is a machine that aggregates existing hardware components and existing software components, together with proprietary programs, in such manner as to constitute original intellectual property qualifying as an original invention as defined under Title 35 USCA, 100.

The uniqueness of the device is that its construction, material and operation are specifically combined to create the functionality of existing printed media, such as all manner of books, magazines and newsprint, in a novel manner, by replacing the structure of such items with the structure of the device, replacing the paper material with the material aggregated to produce information upon a display component while retaining the familiar operation associated with reading such printed material, with added functionality that enhances the usefulness of reading tasks by simultaneously increasing availability of text volume while decreasing the mass otherwise required to store equivalent text volume on to printed media. Additionally, the device uniquely associates the ease of note-taking, together with reading of text, thus facilitating instructional, study and research tasks. Finally, the device integrates input-output component functions, cellular communication functions and the portability of reusable power supplies for the purpose of providing a unique reading/writing device with access to remote text storage facilities that would readily provide the user with information limited only by the

capacity of its internal storage component and usage independent of AC power supplies for periods of time limited only by the capacity limitations of the reusable, built-in ~~other~~ storage component.

All of these functions are so combined in a device constructed for portability and ~~vers~~atility so as to greatly improve ready access to reading material without the traditional inconvenience of bulk associated with accessibility of large amounts of printed text, and bundled in a light, compact and easily portable device that would additionally function as a note-book (optionally), calendar, clock, timer, calculator, facsimile device, cellular phone, message handler, and other presently unforeseen functional possibilities, all without the inconvenience and bulk of having all of these functionalities on individual and separate units.



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

Registration Number  
TXu 1-919-460

Effective date of  
registration:  
May 4, 2014

## Title

Title of Work: The Electronic Reading Device  
Patent Application #07/974,428

## Completion/Publication

Year of Completion: 1992

## Author

■ Author: Thomas S Ross

Author Created: text

Citizen of: United States

Year Born: 1944

## Copyright claimant

Copyright Claimant: Thomas S Ross

██████████ Miramar, FL, 33027, United States

## Rights and Permissions

Name: Thomas S. Ross

Email: tross@globalize.com

Telephone: ██████████

Address: ██████████

Miramar, FL 33027 United States

## Certification

Name: Thomas S. Ross

Date: May 4, 2014

Correspondence: Yes

# **EXHIBIT C**



*Courtney B. Weisholtz, P.A.*

**Attorney at Law**

P.O. Box 277794  
Miramar, Florida 33027  
Phone: 954-298-8061  
Email: cbwlegal@aol.com

March 10, 2015

**Via Certified Mail, Return Receipt Requested**

Timothy Donald Cook  
CEO  
APPLE, INC.  
1 Infinite Loop  
Cupertino, California 95014

Re: **CEASE AND DESIST DEMAND**

Dear Timothy Cook,

This firm and the undersigned, represent Thomas S. Ross in the enforcement of his intellectual property rights. Thomas S. Ross is the author and owner of the following copyright protected works that Apple, Inc. has been, and continues to, infringe:

- VAu 1-186-491 Title of Work: Drawing 10.1 The Electronic Reading Device Patent Application #07/974,428
- VAu 1-186-859 Title of Work: Drawing 10.2 The Electronic Reading Device Patent Application #07/974,428
- VAu 1-186-860 Title of Work: Drawing 10.3 The Electronic Reading Device Patent Application # 07/974,428
- VAu 1-186-862 Title of Work: Drawing 10.4 Chart I The Electronic Reading Device Patent Application # 07/974,428
- TXu 1-919-460 Title of Work: The Electronic Reading Device Patent Application #07/974,428

Apple, Inc. has infringed, and continues to infringe, on his works, by unauthorized copying of same on multiple media, including, but not limited to, product designs, content on *www.apple.com*, advertisements, product boxes and packaging, user manuals, technical manuals, patent drawings and claims.

We hereby demand, on behalf of our client, that you 1) **immediately cease and desist** distribution of any infringing works and publications, and that you further provide verification in writing within twenty (20) business days of the date of this letter, that such activity has ceased, 2) compensate Thomas S. Ross, and, to that end, within thirty (30) business days, provide all necessary information needed to make an equitable determination, including, but not limited to, inventory, location of profit centers, income generating websites, accounting of all sales and revenues, and any and all other media upon which Thomas S. Ross' works have been copied or affixed to.

We ask that you acknowledge receipt of this letter promptly and that you ask your counsel to contact us within ten (10) business days of the date of this letter so that we may be apprised of your intentions.

Sincerely,

Courtney B. Weisholtz  
Attorney at Law  
CBW/tr  
cc: Peter M. Moldave, Esq.  
John Fore, Esq.



*Courtney B. Weisholtz, P.A.*

**Attorney at Law**

P.O. Box 277794  
Miramar, Florida 33027  
Phone: 954-298-8061  
Email: cbwlegal@aol.com

Date: May 4, 2015

Via FedEx Return Receipt Requested

Jeffrey V. Lasker  
IP Transactions  
APPLE, INC.  
1 Infinite Loop MS 169-31PL  
Cupertino, California 95014

Re: Request for information

Dear Mr. Lasker,

Thank you for your response to my client's Cease and Desist Demand sent to you on or about March 10, 2015. Please find enclosed the following documents:

1. copies of the following Certificates of Copyright Registration, together with copies of the Copyrighted original works:
  - VAu 1-186-491 Title of Work: Drawing 10.1 The Electronic Reading Device Patent Application #07/974,428
  - VAu 1-186-859 Title of Work: Drawing 10.2 The Electronic Reading Device Patent Application #07/974,428
  - VAu 1-186-860 Title of Work: Drawing 10.3 The Electronic Reading Device Patent Application # 07/974,428
  - VAu 1-186-862 Title of Work: Drawing 10.4 Chart I The Electronic Reading Device Patent Application # 07/974,428
  - TXu 1-919-460 Title of Work: The Electronic Reading Device Patent Application #07/974,428
2. The objects that are targets for copyright infringement, are:
  - Iphone® product designs
  - Ipads® product designs;
  - Itunes® communication diagrams;
  - Designs and text contained in several of Apple's Patents
  - Two-screen device products

A comparison of our client's copyrighted works, to Apple's products, designs, advertisements, broadcasted images, etc., will make the infringement issues self evident.




Courtney Weisholtz, P.A., Attorney At Law, P.O. Box 277794 Miramar, Florida 33027

---

We ask that you acknowledge receipt of this material promptly, and that you contact us within ten (10) business days of the date of this letter, so that we may be apprised of your intentions. We remind you that time is of the essence, per original Cease and Desist Letter, demands of which are herein incorporated.

Sincerely,



Courtney B. Weisholtz  
Attorney at Law  
CBW/tr

Courtney B. Weisholtz, P.A.  
Attorney at Law  
P.O. Box 277794  
Miramar, Florida 33027  
Phone: 954-298-8061  
Email: cbwlegal@aol.com

Date: June 1, 2015

Via EMAIL and Certified U.S. Mail

Jeffrey V. Lasker  
IP Transactions  
APPLE, INC.  
1 Infinite Loop MS 169-31PL  
Cupertino, California 95014

Re: Phone call of 5/20/2015

Dear Mr. Lasker,

It was a pleasure to talk to you on Wednesday, May 20, 2015. During the conversation, you indicated that you were "confused" about my client's claims and demands, so I explain.

The Cease and Desist Letter of March 10, 2015, plainly states that Apple is infringing on five (5) registered original works. The identifying descriptions of the registrations were plainly included. The letter goes on to summarize the way Apple has, and is, infringing and that my client demands just compensation.

In a letter dated May 4, 2015, you requested additional information, to which I responded by sending you a copy of each **Certificate**, along with a copy of each **original work**. I also enumerated some of **Apple's infringing works**.

As indicated above, we then had a phone conversation on May 20<sup>th</sup>, where you expressed confusion as to copyrightability, similarity and access to my client's original works.

Without litigating those issues in this correspondence, let me offer but the briefest of rebuttals, to provide additional clarity.

As to copyrightability, the Copyright Act of 1986 explicitly included "technical drawings, charts, and writings, as works that are protected. 17 USC §101 *"Pictorial, graphic, and sculptural works" include two-dimensional and three dimensional works of fine, graphic, and applied art, photographs, prints and art reproductions, maps, globes, charts, diagrams, models, and technical drawings, including architectural plans \* \* \**"

As to the rest of the issues, I will quote from a recent U.S. Supreme Court Case:




Courtney Weisholtz, P.A., Attorney At Law, P.O. Box 277794 Miramar, Florida 33027

*"Key evidence in the litigation, then, will be the **certificate**, the **original work**, and the **allegedly infringing work**. And the adjudication will often turn on the factfinder's direct comparison of the original and the infringing works, i.e., on the factfinder's **"good eyes and common sense"** in comparing the two works' **"total concept and overall feel."** Petrella v Metro-Goldwyn-Mayer, Inc., 572 U. S. \_\_\_\_ (2014) quoting Peter F. Gaito Architecture, LLC v. Simone Development Corp., 602 F. 3d 57, 66 (CA2 2010) (internal quotation marks omitted).*

Apple, Inc., and its worldwide supply chain, affiliates, agents and companies, continue the willful infringements, unabated. My client is amenable to entertain discussions towards a reasonable out of court settlement. To this end, please respond in writing, within five (5) calendar days of the date of this letter, to let me know whether you are interested in exploring a compromise, or not. I remind you that time is of the essence, and that demands of the Cease and Desist letter, have yet to be met, and are herein incorporated.

Sincerely,

  
Courtney B. Weisholtz  
Attorney at Law  
CBW/tr



June 9, 2015

Via Overnight Mail & Email

Courtney B. Weisholtz  
Courtney B. Weisholtz, P.A.  
PO Box 277794  
Miramar, Florida 33027  
Email: [cbwlegal@aol.com](mailto:cbwlegal@aol.com)

Re: Thomas S. Ross

Dear Courtney,

I write in response to your letters dated May 4, 2015 and June 1, 2015, and to follow up on our phone conversation on May 20, 2015.

Based on our understanding of the matter, Mr. Ross is claiming copyright in certain patent applications. During our conversation on May 20, you were unable to provide any details as to how you contend Apple accessed Mr. Ross's patent applications, other than to say that Apple copied Mr. Ross's "ideas." You also confirmed that Mr. Ross's patent applications were not disseminated or published, other than possibly in connection with filings relating to Mr. Ross's litigation against the U.S. government.

We have investigated Mr. Ross's claims and believe they have no merit. Copyrights do not protect "ideas." *Feist Pubs., Inc. v. Rural Tel. Serv. Co.*, 499 US 340, 345 (1990). And they do not protect against independent creation. *Harold Lloyd Corp. v. Witwer*, 65 F.2d 1, 4 (9th Cir. 1933) ("There can be no infringement unless there has been a copying either in whole or in part of the copyrighted work."). A claim for copyright infringement thus requires proof of access and actual copying. *Jason v. Fonda*, 698 F.2d 966 (9th Cir. 1982).

Based on the information you provided, Apple could not possibly have had access to, let alone copied, Mr. Ross' applications. Additionally, based on our review of the materials you provided, we do not believe there is any similarity between Apple's products and Mr. Ross's applications. Any pursuit of claims against Apple in light of these facts would be baseless and objectively unreasonable. See *Fogerty v. Fantasy, Inc.*, 94 F.3d 553 (9th Cir. 1996). We, therefore, do not believe there are any grounds for Apple to cease any activities or provide any compensation to Mr. Ross.

If you would like to discuss this matter further, please feel free to contact me. Absent further information from you, we will consider this matter closed.

Regards,

A handwritten signature in black ink, appearing to read "Jeffrey V. Lasker", is written over the word "Regards,".

Jeffrey V. Lasker  
Legal Counsel, IP Transactions



Apple Inc.  
Jeffrey Lasker  
408-862-1377  
1 Infinite Loop, MS 169-3IPL  
Cupertino, CA 95014-2084

# **EXHIBIT D**

EX-3.1 2 dex31.htm RESTATED ARTICLES OF INCORPORATION

EXHIBIT 3.1

RESTATED ARTICLES OF INCORPORATION

OF

APPLE INC.

Peter Oppenheimer and Daniel Cooperman certify that:

1. They are the Senior Vice President and Chief Financial Officer and the Senior Vice President, General Counsel and Secretary, respectively, of Apple Inc., a California corporation.
2. The Restated Articles of Incorporation of this corporation, filed on January 27, 1988, were amended by separate Certificates of Amendment, filed on February 1, 1990, April 22, 1999, May 4, 2000, and February 25, 2005, and by a Certificate of Ownership, filed on January 9, 2007.
3. A Certificate of Determination of Preferences of Series A Non-Voting Convertible Preferred Stock was filed on August 6, 1997.
4. Pursuant to Section 1110(d) of the California Corporations Code, the name of this corporation was changed from "Apple Computer, Inc." to "Apple Inc." on January 9, 2007.
5. The Restated Articles of Incorporation of this corporation are restated to read in full as follows:

**I**

The name of the corporation is Apple Inc.

**II**

The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

**III**

This corporation is authorized to issue two classes of shares designated respectively "Common Stock" and "Preferred Stock." The number of shares of Common Stock which this corporation is authorized to issue is 1,800,000,000. The number of shares of Preferred Stock which this corporation is authorized to issue is 5,000,000.

**IV**

The Preferred Stock may be issued from time to time in one or more series. The Board of Directors is authorized to fix the number of shares of any series of Preferred Stock and to determine the designation of any such series. The Board of Directors is further authorized to determine or alter the rights, preferences, privileges and restrictions granted to or imposed upon any wholly unissued series of Preferred Stock and, within the limits and restrictions stated in any resolution or resolutions of the Board of Directors originally fixing the number of shares constituting any series, to increase or decrease (but not below the number of shares of each series outstanding) the number of shares of any such series subsequent to the issuance of shares of that series.





---

**V**

Section 1. *Limitation of Directors' Liability.* The liability of the directors of this corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

Section 2. *Indemnification of Corporate Agents.* The corporation is authorized to provide indemnification of agents (as defined in Section 317 of the California Corporations Code) through bylaw provisions, agreements with agents, vote of shareholders or disinterested directors or otherwise, in excess of the indemnification otherwise permitted by Section 317 of the California Corporations Code, subject only to the applicable limits set forth in Section 204 of the California Corporations Code with respect to actions for breach of duty to the corporation and its shareholders.

Section 3. *Repeal or Modification.* Any repeal or modification of the foregoing provisions of this Article V by the shareholders of this corporation shall not adversely affect any right or protection of an agent of this corporation existing at the time of such repeal or modification.

**VI**

There shall be no right with respect to shares of stock of this corporation to cumulate votes in the election of directors.

**VII**

Through and until immediately prior to the annual meeting of shareholders to be held in fiscal year 2000, the directors shall be divided into two classes, designated Class I and Class II, each consisting of one-half of the directors or as close an approximation as possible, and each director shall serve for a term running until the second annual meeting of shareholders succeeding his or her election and until his or her successor shall have been duly elected and qualified; provided, however, that the terms of all directors shall expire at the annual meeting of shareholders to be held in fiscal year 2000. Commencing at the annual meeting of shareholders to be held in fiscal year 2000, each director shall be elected to serve until the annual meeting of shareholders held in the following fiscal year or until his or her successor shall have been duly elected and qualified.

**VIII**

The Certificate of Determination of Preferences of Series A Non-Voting Convertible Preferred Stock, filed on August 6, 1997, a copy of which is attached hereto as Exhibit A, is hereby incorporated by reference as Article VIII."

6. Pursuant to Section 910 of the California Corporations Code, the foregoing restatement of the Restated Articles of Incorporation of this corporation was duly approved by the Board of Directors alone on May 27, 2009.

---

The undersigned declare under penalty of perjury that the matters set forth in the foregoing certificate are true of their own knowledge.

Executed at Cupertino, California on July 9, 2009.

/s/ Peter Oppenheimer

---

Peter Oppenheimer  
*Senior Vice President and  
Chief Financial Officer*

/s/ Daniel Cooperman

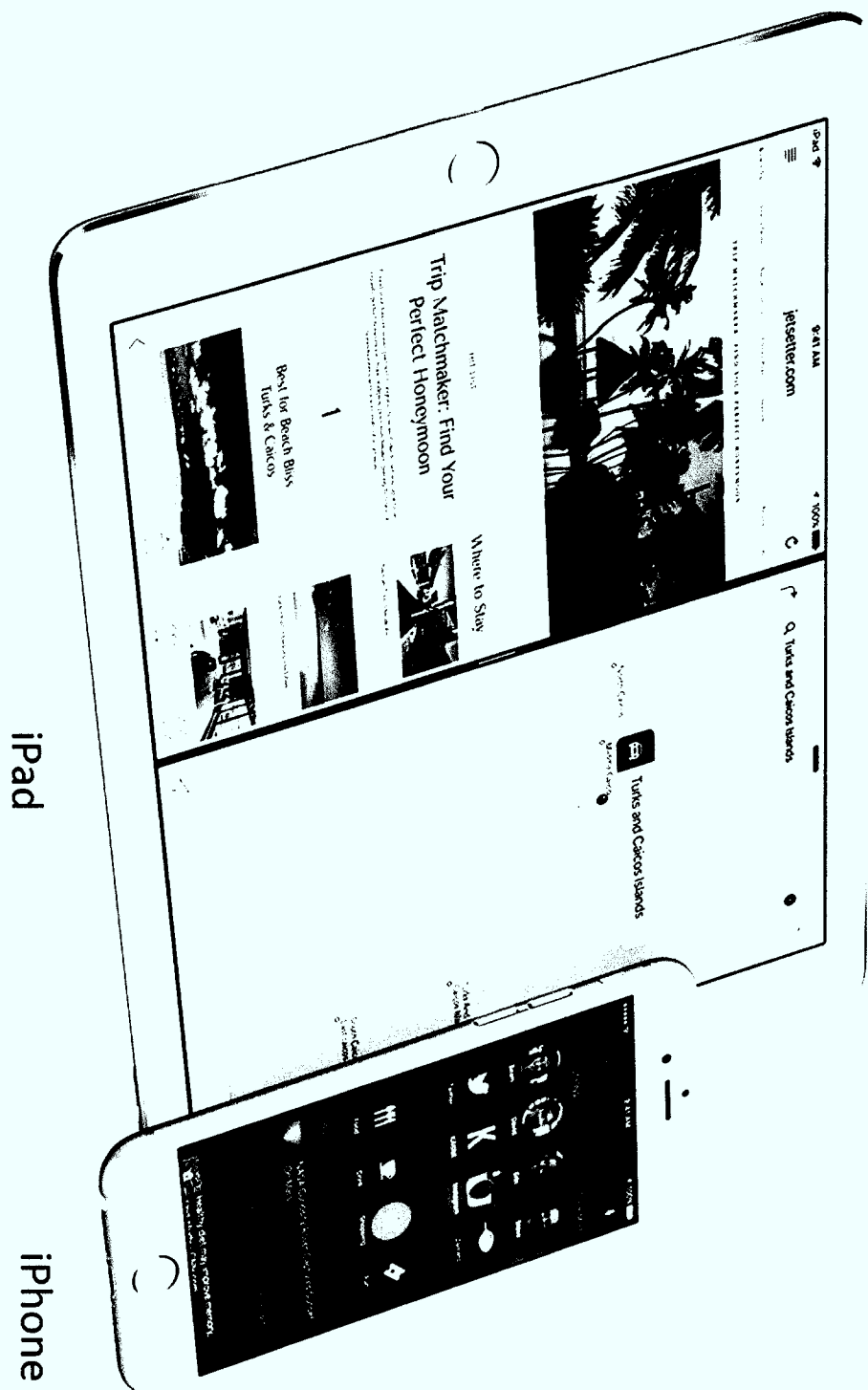
---

Daniel Cooperman  
*Senior Vice President, General Counsel  
and Secretary*



iPhone





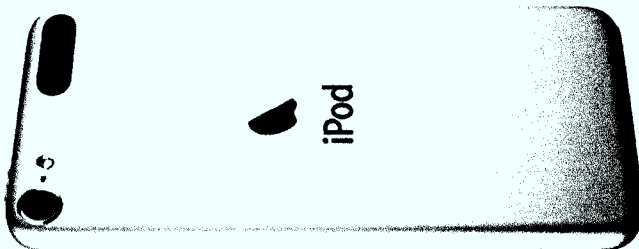
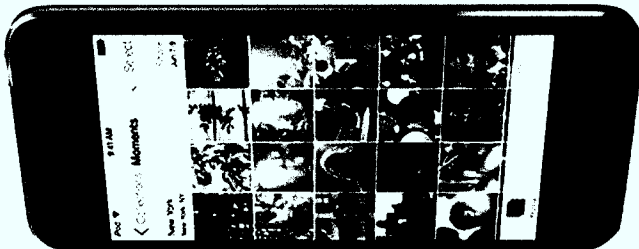
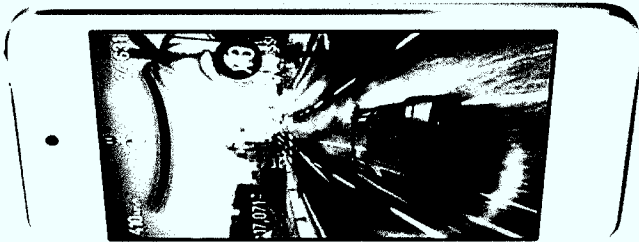
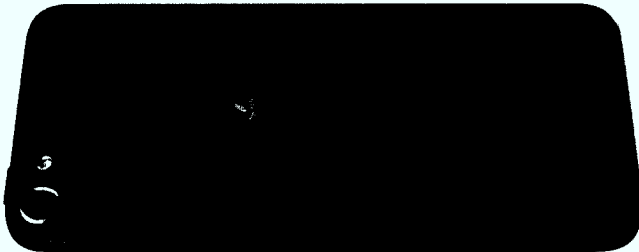
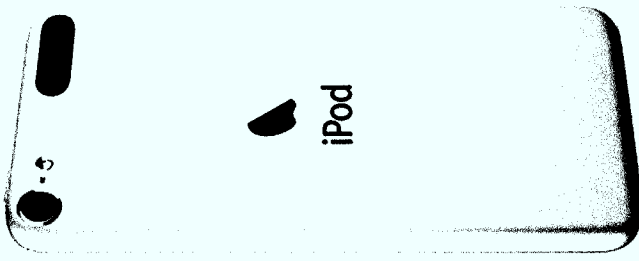
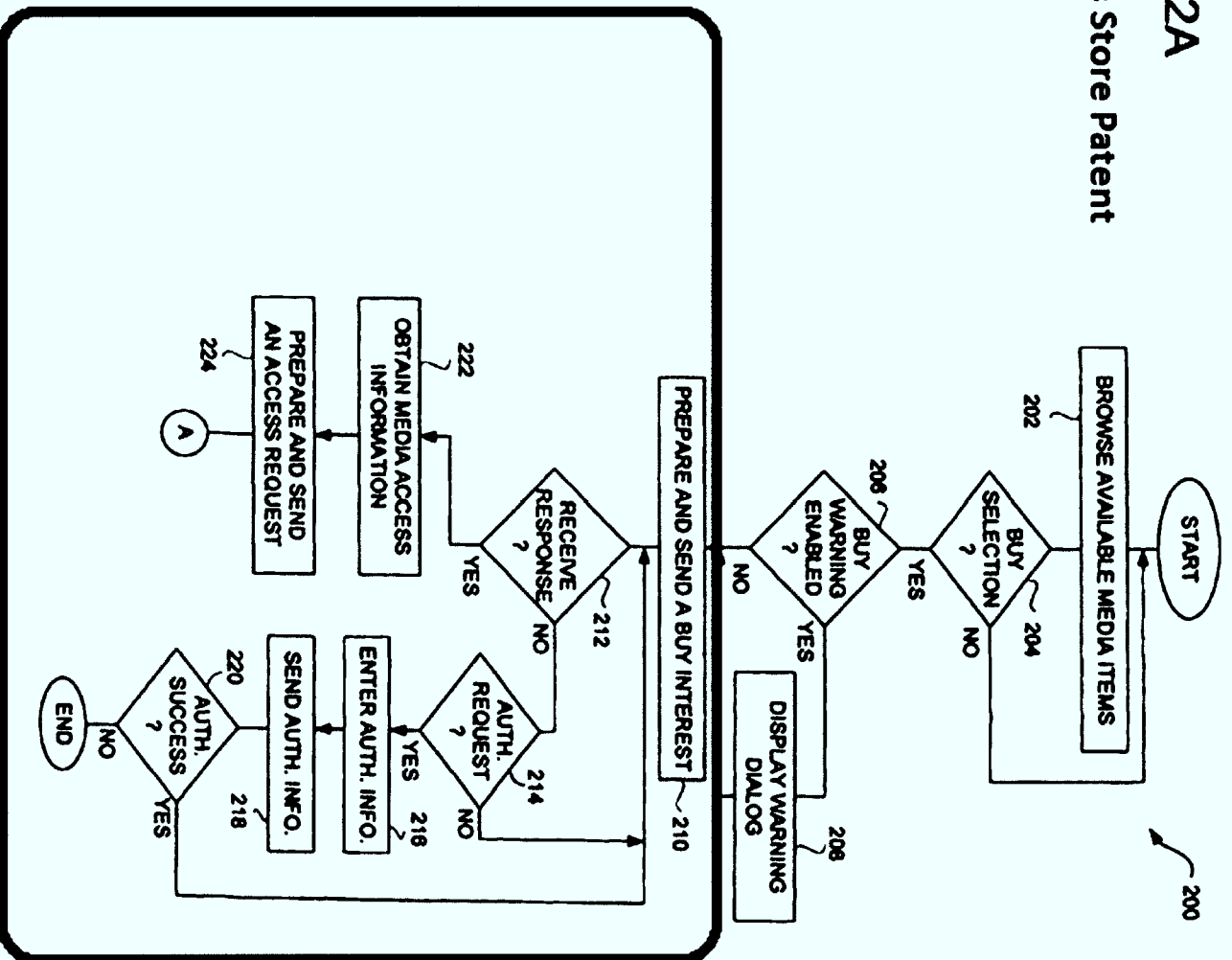


FIG. 2A

iTunes Store Patent



See Plaintiff's Exhibit B.4  
to compare

Plaintiff's  
Exhibit  
D.3

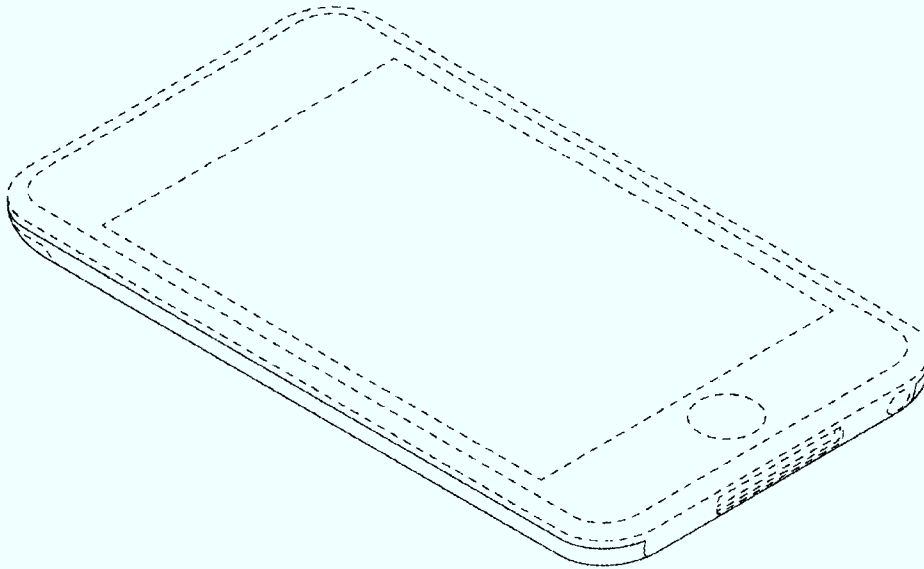
exhibitindexes.com #496

**U.S. Patent**

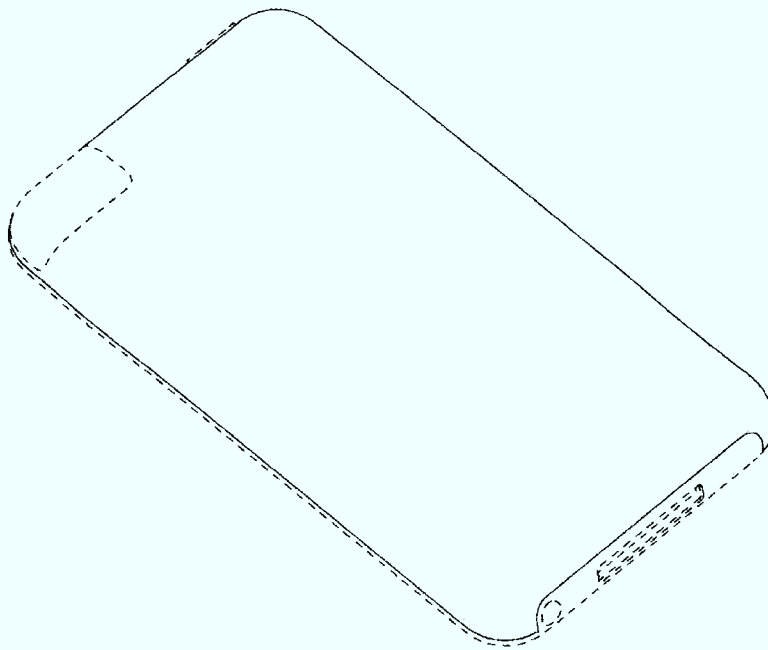
**May 10, 2016**

**Sheet 1 of 5**

**US D755,784 S**



**FIG. 1**



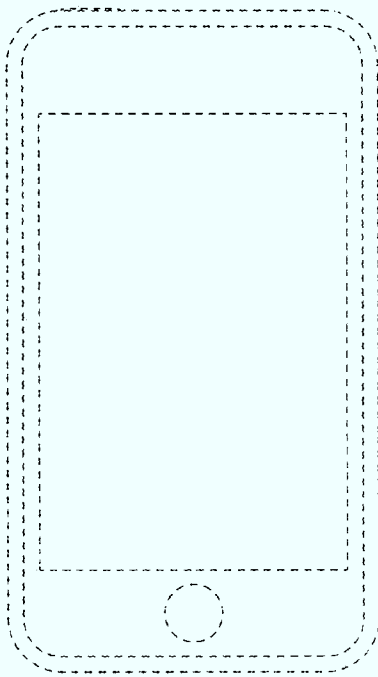
**FIG. 2**

**U.S. Patent**

**May 10, 2016**

**Sheet 2 of 5**

**US D755,784 S**



**FIG. 3**



**FIG. 4**





US00D724078S

(12) **United States Design Patent**  
**Andre et al.**

(10) **Patent No.:** **US D724,078 S**  
 (45) **Date of Patent:** **\*\* Mar. 10, 2015**

(54) **ELECTRONIC DEVICE**(71) Applicant: **Apple Inc.**, Cupertino, CA (US)

(72) Inventors: **Bartley K. Andre**, Palo Alto, CA (US);  
**Daniel J. Coster**, San Francisco, CA (US); **Daniele De Iuliis**, San Francisco, CA (US); **Richard P. Howarth**, San Francisco, CA (US); **Jonathan P. Ive**, San Francisco, CA (US); **Steven P. Jobs**, Palo Alto, CA (US); **Duncan Robert Kerr**, San Francisco, CA (US); **Shin Nishibori**, Kailua, HI (US); **Matthew Dean Rohrbach**, San Francisco, CA (US); **Peter Russell-Clarke**, San Francisco, CA (US); **Douglas B. Satzger**, Menlo Park, CA (US); **Christopher J. Stringer**, Woodside, CA (US); **Eugene Antony Whang**, San Francisco, CA (US); **Rico Zörkendörfer**, San Francisco, CA (US)

(73) Assignee: **Apple Inc.**, Cupertino, CA (US)(\*\*) Term: **14 Years**(21) Appl. No.: **29/467,655**(22) Filed: **Sep. 20, 2013****Related U.S. Application Data**

(60) Continuation of application No. 29/432,242, filed on Sep. 14, 2012, now Pat. No. Des. 690,298, which is a

(Continued)

(51) **LOC (10) Cl.** ..... **14-02**

(52) **U.S. Cl.**  
 USPC ..... **D14/341**

(58) **Field of Classification Search**

USPC ..... D14/341-347, 137, 138 R, 138 AA,  
 D14/138 C, 138 G, 496, 203.1, 203.3, 203.4,  
 D14/203.7, 129, 130, 147, 218, 248, 389,  
 D14/388, 426, 420; D10/65, 104.1;  
 D18/6-7; D21/324, 329, 330;  
 455/556.1, 556.2, 566, 575.1, 90.3;  
 379/433.04, 433.01, 433.06, 916;  
 345/173, 901, 905; 361/679.26, 679.3,  
 361/679.55, 679.56

See application file for complete search history.

(56) **References Cited****U.S. PATENT DOCUMENTS**

D25,638 S 6/1896 Casey et al.  
 D30,079 S 1/1899 Sametz

(Continued)

**FOREIGN PATENT DOCUMENTS**

AU 315078 7/2007  
 CA 72548 5/1993

(Continued)

**OTHER PUBLICATIONS**

Hilon LG DMB MP3 FM35, posted Jun. 26, 2006, [online], [retrieved on Dec. 26, 2008]. Retrieved from Internet, <URL: <http://hilon.com.cn.autobak/a8810005549>>.

(Continued)

*Primary Examiner* — Barbara Fox(74) *Attorney, Agent, or Firm* — Sterne, Kessler, Goldstein & Fox P.L.L.C.(57) **CLAIM**

The ornamental design for an electronic device, as shown and described.

**DESCRIPTION**

FIG. 1 is a front perspective view of an electronic device showing our new design;

FIG. 2 is a rear perspective view thereof;

FIG. 3 is a front view thereof;

FIG. 4 is a rear view thereof;

FIG. 5 is a side view thereof;

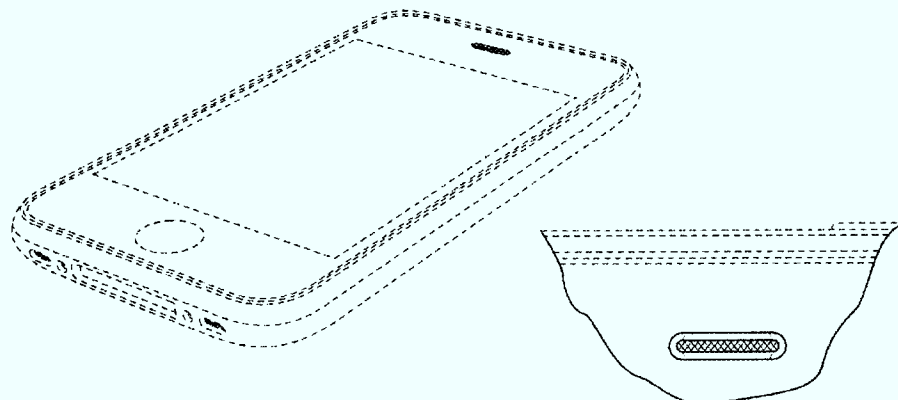
FIG. 6 is another side view thereof;

FIG. 7 is a top view thereof;

FIG. 8 is a bottom view thereof; and,

FIG. 9 is an enlarged front view of the top portion of the front face of the device as shown in FIG. 3.

The broken lines in the Figures show portions of the electronic device that form no part of the claimed design.

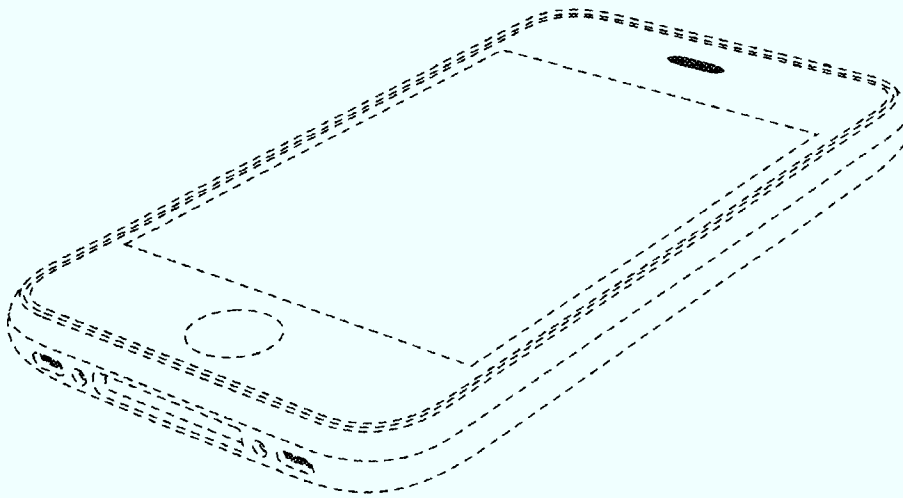
**1 Claim, 3 Drawing Sheets**

**U.S. Patent**

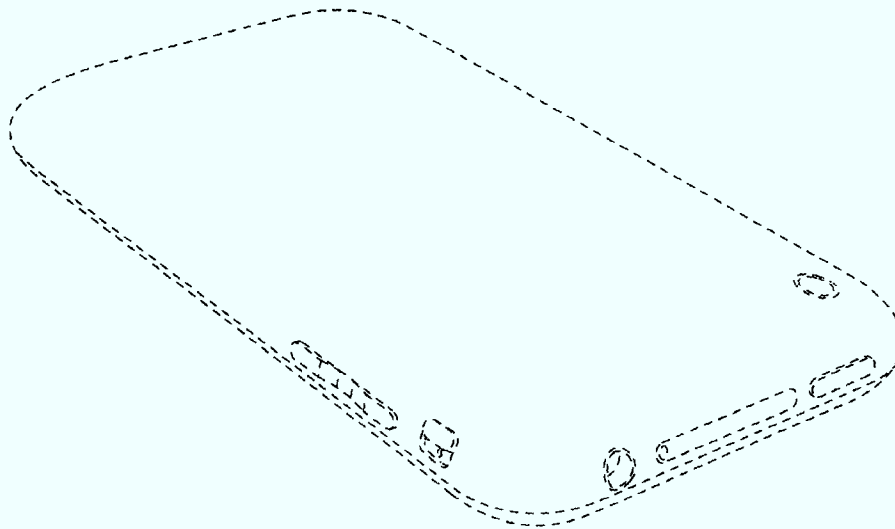
**Mar. 10, 2015**

**Sheet 1 of 3**

**US D724,078 S**



**FIG. 1**



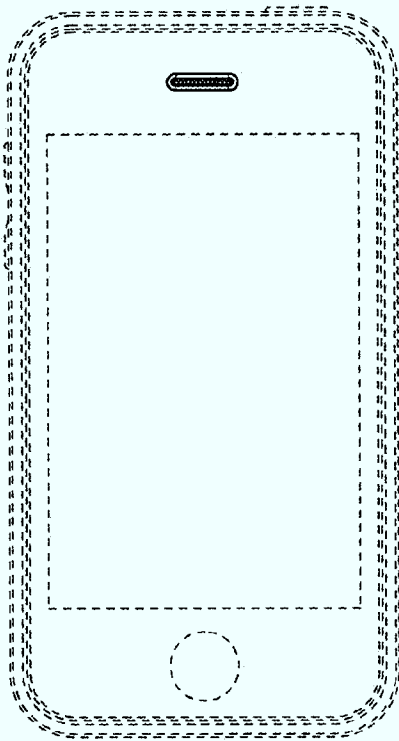
**FIG. 2**

**U.S. Patent**

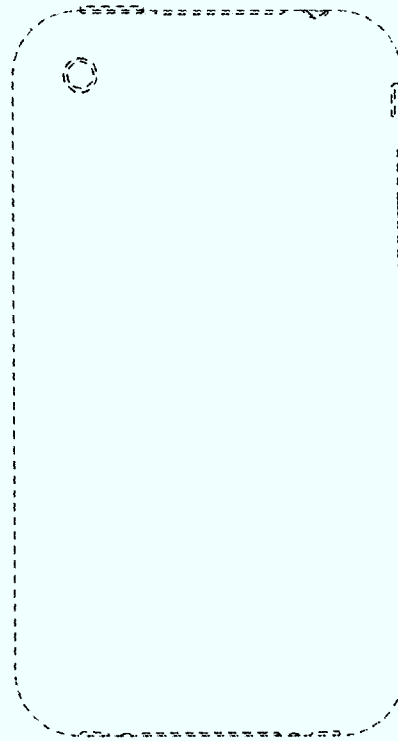
**Mar. 10, 2015**

**Sheet 2 of 3**

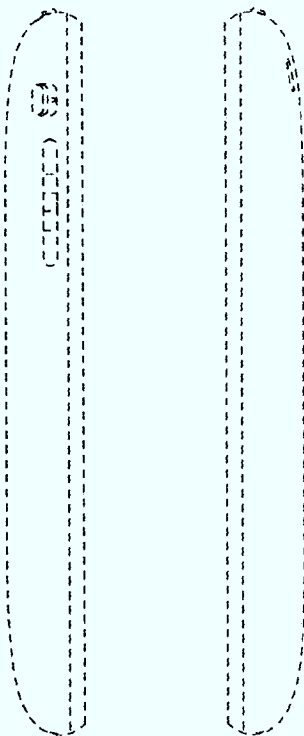
**US D724,078 S**



**FIG. 3**



**FIG. 4**

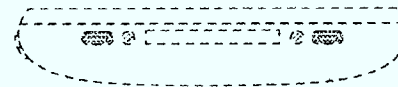


**FIG. 5**

**FIG. 6**



**FIG. 7**



**FIG. 8**

U.S. Patent

Jun. 14, 2016

Sheet 3 of 34

US 9,367,232 B2

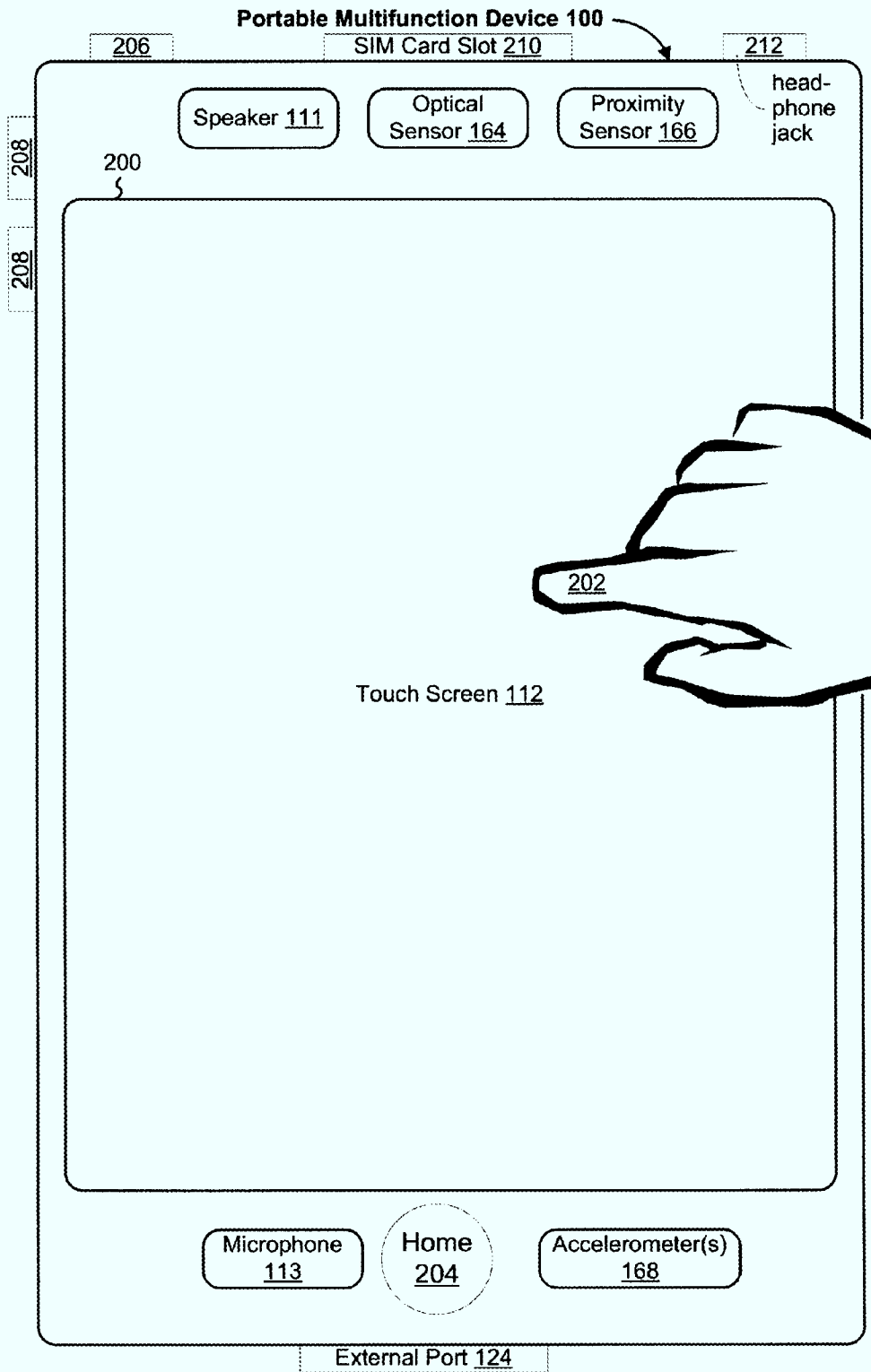


Figure 2



US008638549B2

(12) **United States Patent**  
**Garelli et al.**

(10) **Patent No.:** **US 8,638,549 B2**  
(45) **Date of Patent:** **Jan. 28, 2014**

(54) **ELECTRONIC DEVICE DISPLAY MODULE**

(75) Inventors: **Adam T. Garelli**, Santa Clara, CA (US);  
**Dinesh C. Mathew**, Fremont, CA (US);  
**Thomas W. Wilson, Jr.**, Saratoga, CA  
(US); **Keith J. Hendren**, Capitola, CA  
(US); **Peteris K. Augenbergs**, San  
Francisco, CA (US); **Brett W. Degner**,  
Menlo Park, CA (US); **Bradley J.**  
**Hamel**, Sunnyvale, CA (US); **Michael**  
**A. Damlanakis**, San Francisco, CA  
(US); **Patrick Kessler**, Mountain View,  
CA (US)

(73) Assignee: **Apple Inc.**, Cupertino, CA (US)

(\*) Notice: Subject to any disclaimer, the term of this  
patent is extended or adjusted under 35  
U.S.C. 154(b) by 143 days.

(21) Appl. No.: **12/862,748**

(22) Filed: **Aug. 24, 2010**

(65) **Prior Publication Data**

US 2012/0050975 A1 Mar. 1, 2012

(51) **Int. Cl.**  
**H05K 5/00** (2006.01)  
**H05K 7/00** (2006.01)  
**G06F 1/16** (2006.01)

(52) **U.S. Cl.**  
USPC ..... 361/679.27; 361/679.26; 361/679.55

(58) **Field of Classification Search**  
USPC ..... 361/679.02, 679.21, 679.55,  
361/679.26–679.3, 679.56  
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

2,964,887 A 12/1960 Orozco  
3,517,466 A 6/1970 Bouvier

4,766,746 A 8/1988 Henderson et al.  
5,237,486 A 8/1993 LaPointe et al.  
5,531,950 A 7/1996 Kimura et al.  
5,606,438 A 2/1997 Margalit et al.  
5,611,517 A 3/1997 Saadi et al.  
5,795,430 A 8/1998 Beeteson et al.  
5,828,341 A 10/1998 Delamater  
5,881,103 A 3/1999 Wong et al.

(Continued)

#### FOREIGN PATENT DOCUMENTS

EP 0683026 3/2001  
EP 0911717 3/2003

(Continued)

#### OTHER PUBLICATIONS

Mathew et al., U.S. Appl. No. 12/483,205, filed Jun. 11, 2009.

(Continued)

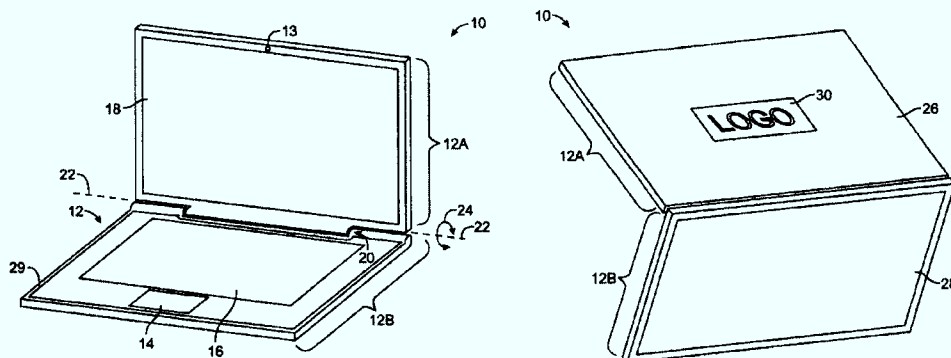
*Primary Examiner* — Anthony Haughton

(74) *Attorney, Agent, or Firm* — Treyz Law Group; G. Victor  
Treyz; Jennifer Luh

(57) **ABSTRACT**

Electronic devices may have housings. A housing may contain a display on its front face and a rear plate such as a plate formed from glass on its rear face. A peripheral housing member may surround the display and rear plate. An antenna may be formed in the peripheral housing member. The rear plate may be formed from laminated layers including a light guide layer. Device hinges may include hinge structures that are integral to the peripheral housing member. A logo may be formed by coating the rear plate with a patterned masking layer. Display structures for the display and the rear plate may be mounted to opposing sides of a shelf portion of the peripheral housing member. The rear plate may be formed from electrochromic glass and may cover photovoltaic cells and touch sensors. Driver boards may be mounted within a clutch barrel perpendicular to the display.

17 Claims, 26 Drawing Sheets



U.S. Patent

Jan. 28, 2014

Sheet 1 of 26

US 8,638,549 B2

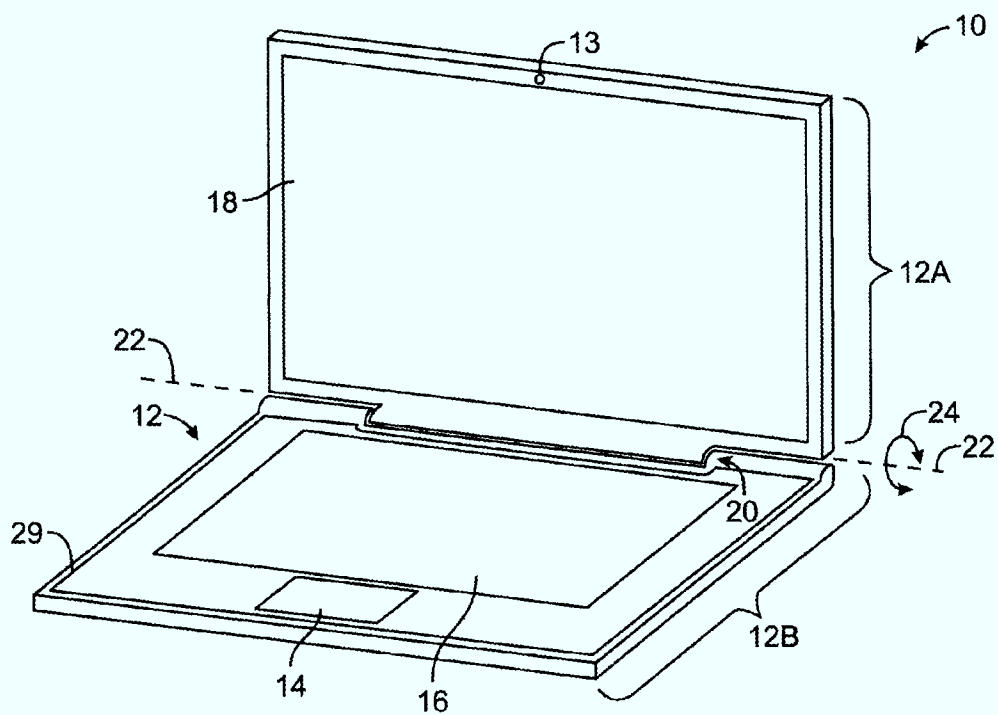


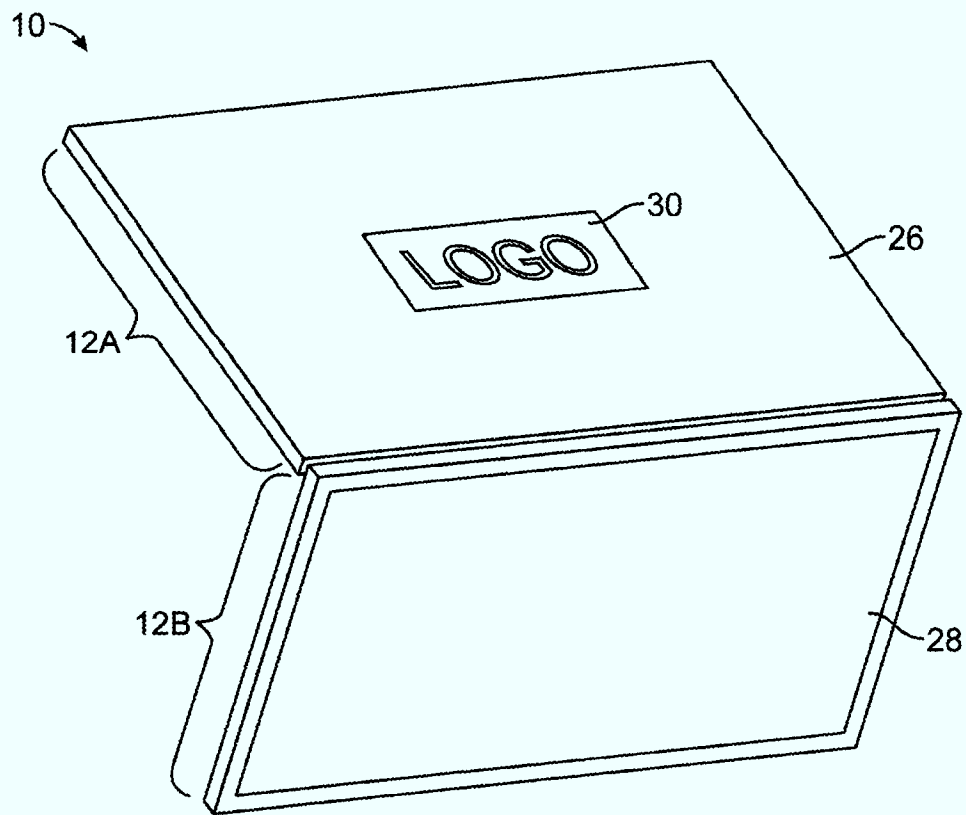
FIG. 1A

**U.S. Patent**

**Jan. 28, 2014**

**Sheet 2 of 26**

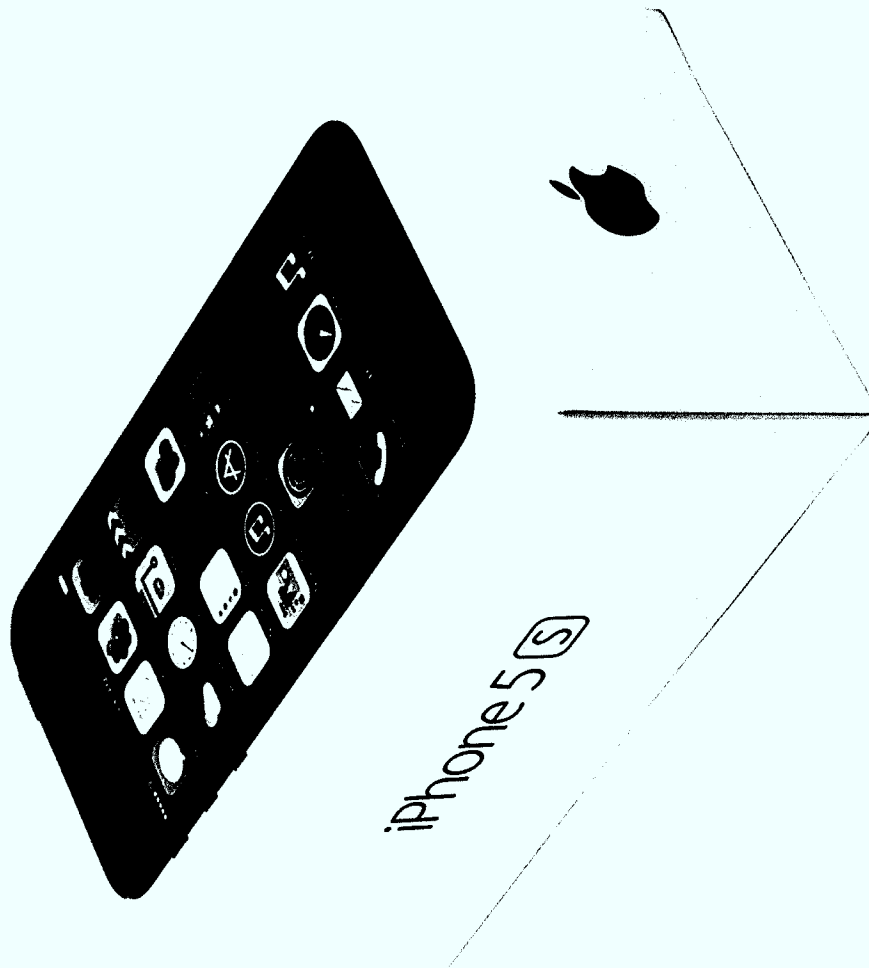
**US 8,638,549 B2**



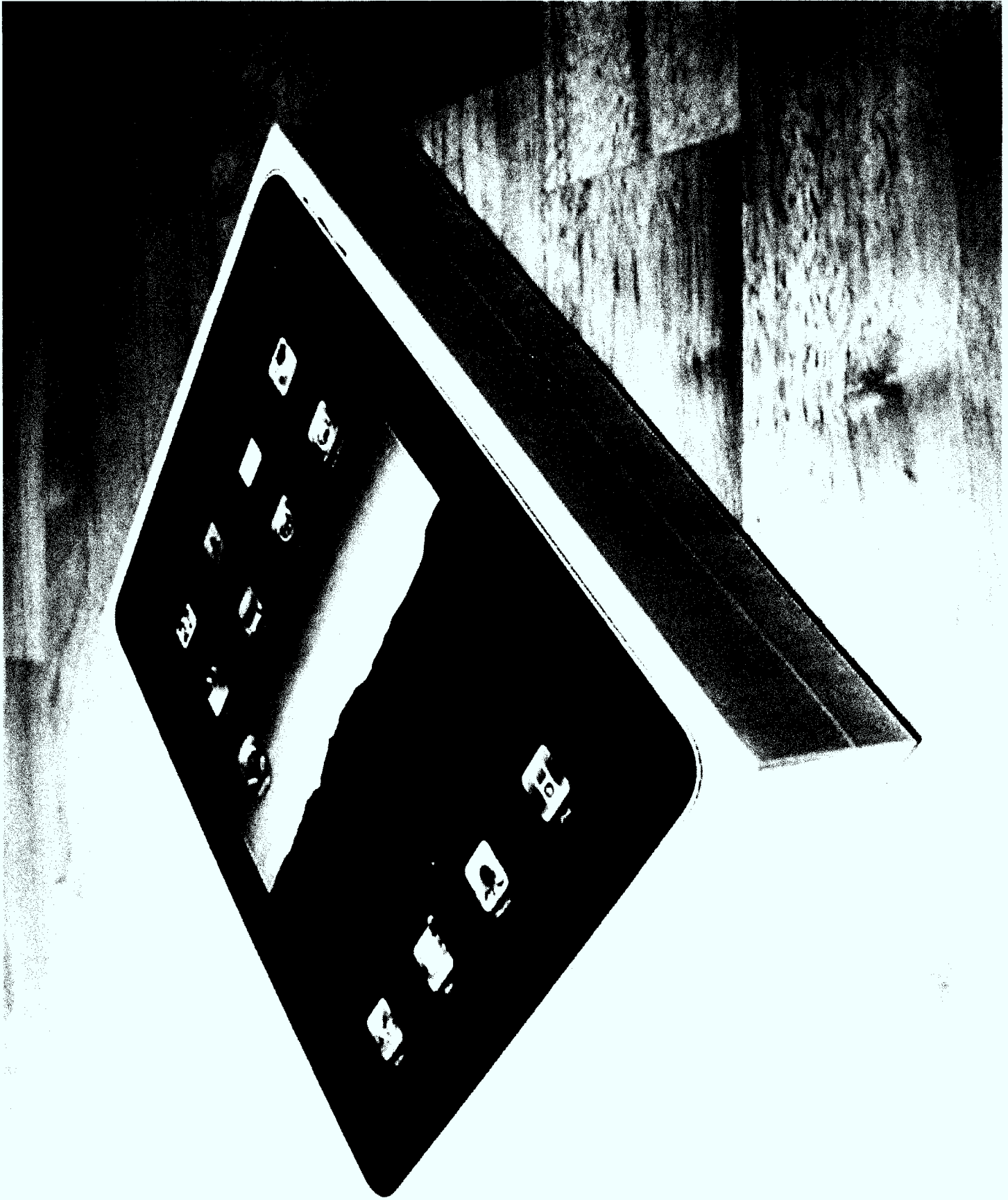
**FIG. 1B**





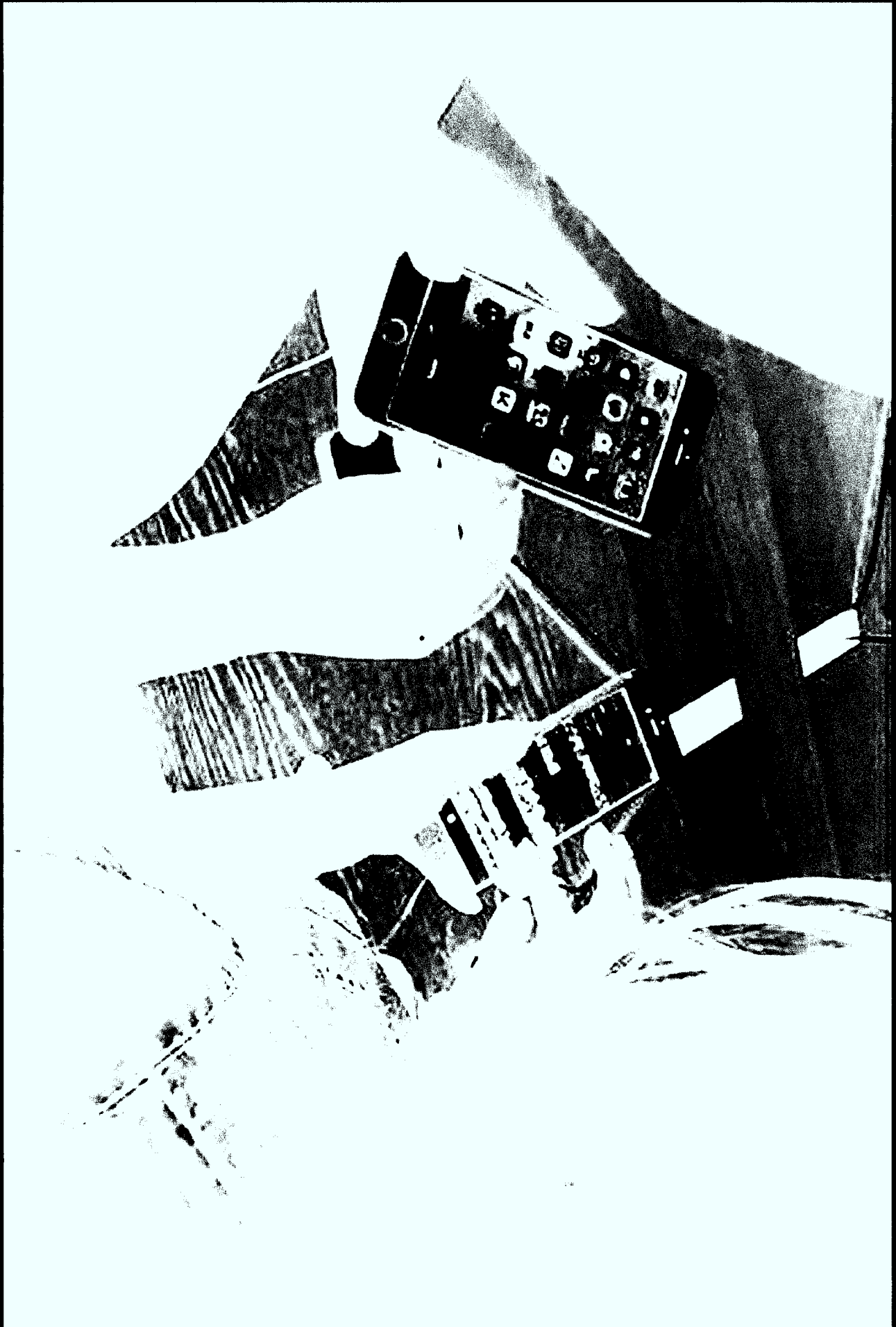














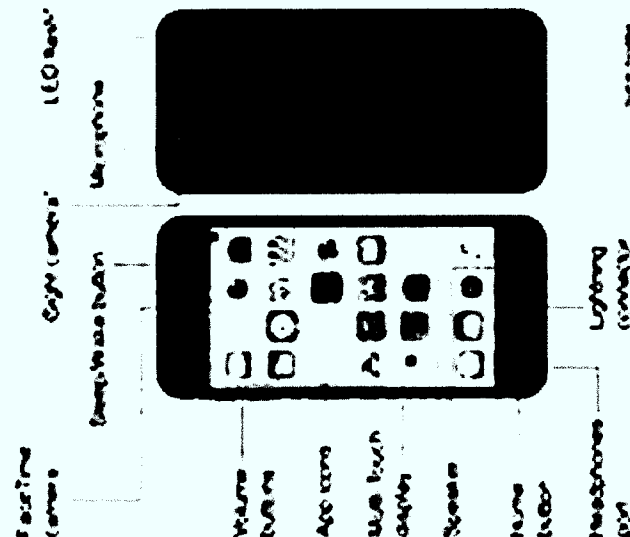
# iPod touch at a glance



## iPod touch overview

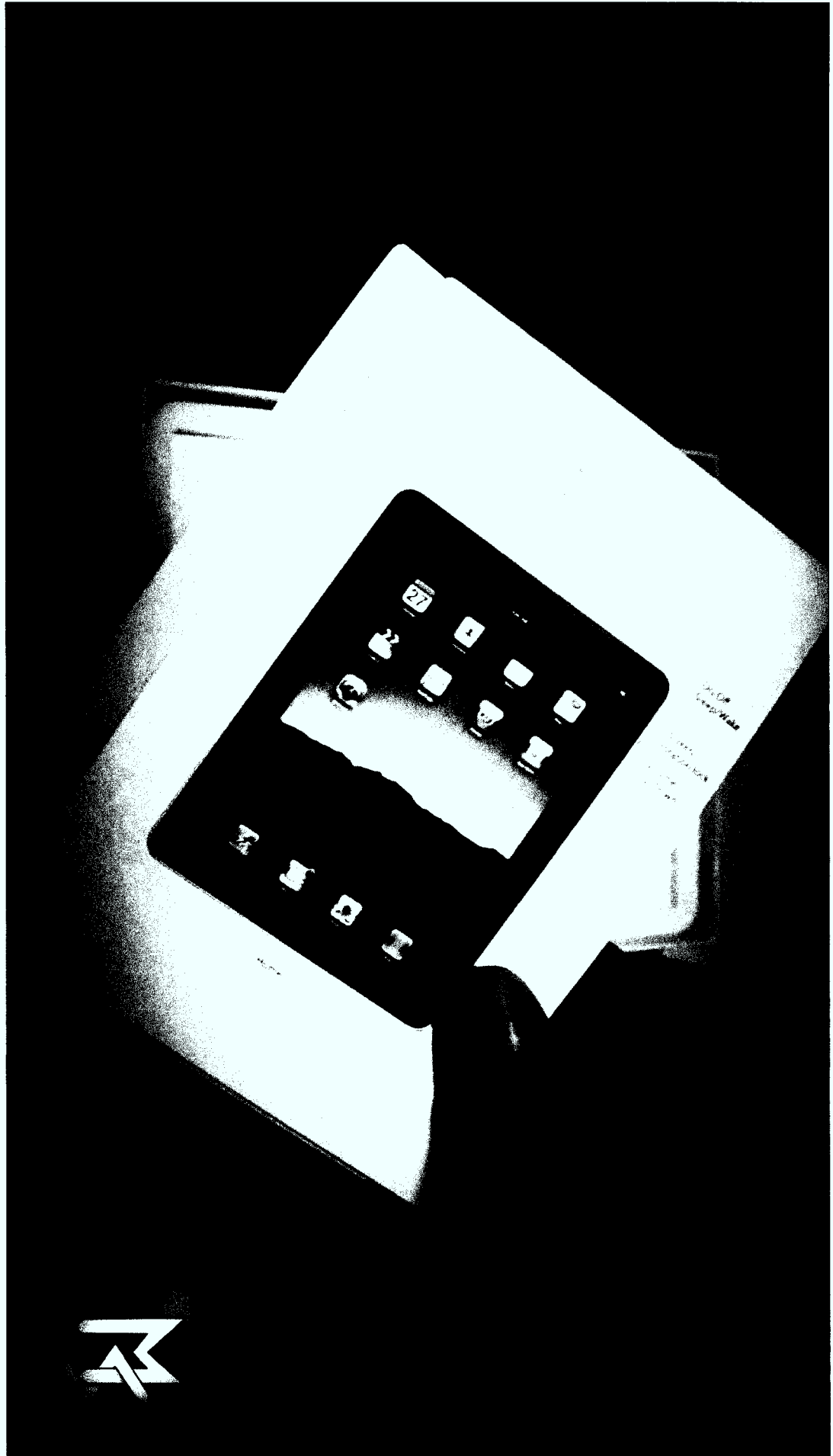
This guide describes the features of all iPod touch models.

- iPod touch 5th generation
- iPod touch 6th generation












<http://www.azquotes.com/picture-quotes/qu...>

Page 1 of 1



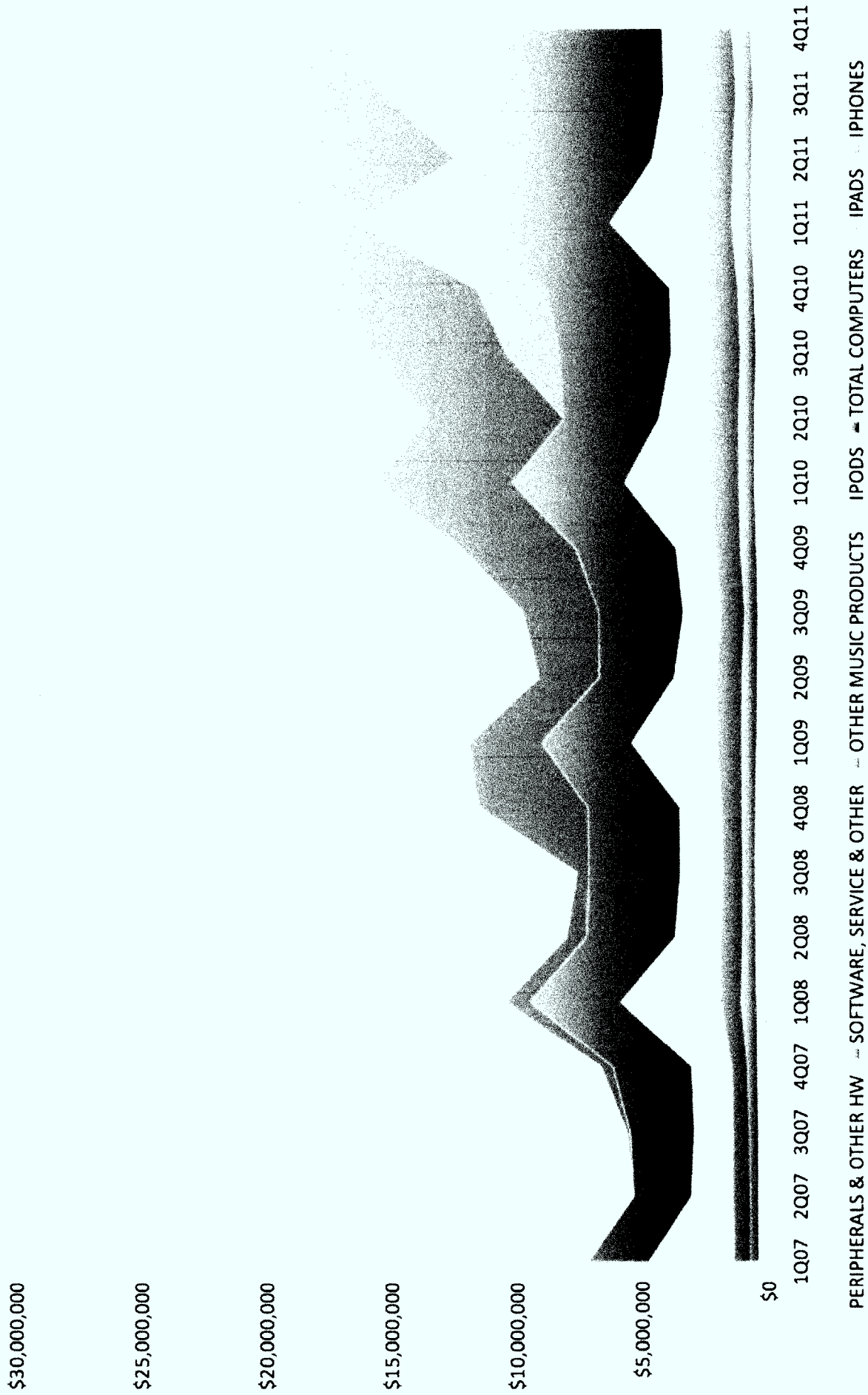


"Good artists copy,  
great artists steal.  
We have always  
been shameless  
about stealing  
great ideas."

- Steve Jobs

"WE HAVE ALWAYS BEEN  
SHAMELESS ABOUT STEALING  
GREAT IDEAS."  
- STEVE JOBS

# Apple Revenue (000s)



Plaintiff's Exhibit  
D.7  
exhibitindex.com #496

EXERPTED FROM PG 77

**Apple Inc.  
Form 10-K  
For the Fiscal Year Ended September 28, 2013**

The U.S. and China were the only countries that accounted for more than 10% of the Company's net sales in 2013, 2012 and 2011. There was no single customer that accounted for more than 10% of net sales in 2013, 2012 or 2011. Net sales for 2013, 2012 and 2011 and long-lived assets as of September 28, 2013 and September 29, 2012 are as follows (in millions):

Net sales:	2013	2012	2011
U.S.	\$ 66,197	\$ 60,949	\$ 41,812
China (a)	25,946	22,797	12,472
Other countries	78,767	72,762	53,965
Total net sales	\$ 170,910	\$ 156,508	\$ 108,249

**Net Sales by Product:**

	2013	2012	2011
iPhone (a)	\$ 91,279	\$ 78,692	\$ 45,998
iPad (a)	31,980	30,945	19,168
Mac (a)	21,483	23,221	21,783
iPod (a)	4,411	5,615	7,453
iTunes, Software and Services (b)	16,051	12,890	9,373
Accessories (c)	5,706	5,145	4,474
Total net sales	\$ 170,910	\$ 156,508	\$ 108,249

- (a) Includes deferrals and amortization of related non-software services and software upgrade rights.
- (b) Includes revenue from sales on the iTunes Store, the App Store, the Mac App Store, and the iBooks Store, and revenue from sales of AppleCare, licensing and other services.
- (c) Includes sales of hardware peripherals and Apple-branded and third-party accessories for iPhone, iPad, Mac and iPod.

Apple Inc.  
Form 10-K  
For the Fiscal Year Ended September 28, 2016

The U.S. and China were the only countries that accounted for more than 10% of the Company's net sales in 2015, 2014 and 2013. There was no single customer that accounted for more than 10% of net sales in 2015, 2014 or 2013. Net sales for 2015, 2014 and 2013 and long-lived assets as of September 26, 2015 and September 27, 2014 are as follows (in millions):

	2015	2014	2013
Net sales:			
U.S.	\$ 81,732	\$ 68,909	\$ 66,197
China <sup>(1)</sup>	56,547	30,638	25,946
Other countries	95,436	83,248	78,767
Total net sales	\$ 233,715	\$ 182,795	\$ 170,910

Net sales by product for 2015, 2014 and 2013 are as follows (in millions):

	2015	2014	2013
Net Sales by Product:			
iPhone <sup>(1)</sup>	\$ 155,041	\$ 101,991	\$ 91,279
iPad <sup>(1)</sup>	23,227	30,283	31,980
Mac <sup>(1)</sup>	25,471	24,079	21,483
Services <sup>(2)</sup>	19,909	18,063	16,051
Other Products <sup>(1)(3)</sup>	10,067	8,379	10,117
Total net sales	\$ 233,715	\$ 182,795	\$ 170,910

<sup>(1)</sup> Includes deferrals and amortization of related software upgrade rights and non-software services.

<sup>(2)</sup> Includes revenue from the iTunes Store, App Store, Mac App Store, iBooks Store, Apple Music, AppleCare, Apple Pay, licensing and other services.

<sup>(3)</sup> Includes sales of Apple TV, Apple Watch, Beats products, iPod and Apple-branded and third-party accessories.



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 07- CV61723 – (Judge James Cohn)

THOMAS S. ROSS,  
Plaintiff,

vs.

APPLE, INC.,  
Defendant.

STATE OF FLORIDA                     )  
  )  
  )  
  )  
COUNTY OF BROWARD                )

**AFFIDAVIT IN SUPPORT OF**  
**COMPLAINT FOR MISAPPROPRIATION OF INTELLECTUAL PROPERTY AND**  
**COPYRIGHT INFRINGEMENT**

Now comes THOMAS S. ROSS, Affiant, and, in support of Complaint For Misappropriation of Intellectual Property and Copyright Infringement, states as follows:

1. I am Thomas S. Ross;
2. I am the Plaintiff in this instant case;
3. I am proceeding as Attorney *Pro Se*;
4. Plaintiff is the Affiant;
5. On June 27, 2016, Ross filed Complaint against Apple, Inc.

On Information and belief, Affiant states as follows:

1. I am the original inventor of the Electronic Reading Device (ERD);
2. I am the legal owner of the Intellectual Property referred to, herein and in the

Complaint, as the Electronic Reading Device or ERD;

3. I created the Intellectual Property that is the object of this Complaint, when:
  - a. on or about May 23, 1992, Unnamed drawing identifiable by the design of a two-leafed ERD device, was affixed to paper;
  - b. on or about June 28, 1992,
    - i. "Drawing I" was affixed to paper;
    - ii. "Drawing II" was affixed to paper;
    - iii. a drawing of a flow chart titled "Skyguild System for use with ERD", was affixed to paper;
  - c. On or about September 10, 1992, I authored a written narrative titled "The Electronic Reading Device Patent Application"
4. On or about May 4, 2014, I filed for the following Applications for Registration of Copyright:
  - a. VAu 1-186-491 Title of Work: Drawing 10.1 The Electronic Reading Device Patent Application #07/974,428
  - b. VAu 1-186-859 Title of Work: Drawing 10.2 The Electronic Reading Device Patent Application #07/974,428
  - c. VAu 1-186-860 Title of Work: Drawing 10.3 The Electronic Reading Device Patent Application # 07/974,428
  - d. VAu 1-186-862 Title of Work: Drawing IOA Chart I The Electronic Reading Device Patent Application # 07/974,428
  - e. TXu 1-919-460 Title of Work: The Electronic Reading Device Patent Application #07/974,428

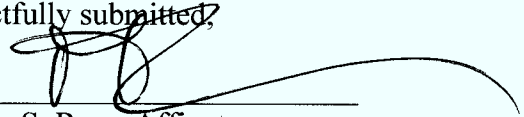
5. On or about March 10, 2015, I sent a Cease and Desist Notice to Apple, Inc.
6. On or about June 9, 2015, Apple, Inc., declined to honor the Cease and Desist Demand.

I, THOMAS S. ROSS, Affiant, states, under penalty of perjury, that, with respect to the above captioned Complaint, and this Affidavit in support thereof, as to statements of fact, they are true and correct, to the best of my knowledge, and as to statements of information and belief, I believe them to be true.

THOMAS S. ROSS

Dated: June 27, 2016  
Miramar, Florida

Respectfully submitted,



Thomas S. Ross, Affiant  
P.O. Box 279381  
Miramar, Florida, 33027  
Telephone: 954-312-7532  
Facsimile: 954-312-7604  
Email: erd1992@globalize.com