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13 Attorneys for SAMSUNG ELECTRONICS  
 14 CO., LTD., SAMSUNG ELECTRONICS  
 AMERICA, INC. and SAMSUNG  
 15 TELECOMMUNICATIONS AMERICA, LLC

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION  
 18

19 APPLE INC., a California corporation,  
 20

Plaintiff,  
 21

vs.  
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23 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean business entity; SAMSUNG  
 ELECTRONICS AMERICA, INC., a New  
 24 York corporation; SAMSUNG  
 TELECOMMUNICATIONS  
 25 AMERICA, LLC, a Delaware limited liability  
 company,  
 26

Defendants.  
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CASE NO. 11-cv-01846-LHK (PSG)

**DECLARATION OF JAMES WARD IN  
 SUPPORT OF SAMSUNG'S OPPOSITION  
 TO APPLE INC.'S MOTION TO STRIKE  
 PORTIONS OF SAMSUNG'S EXPERT  
 REPORTS**

Date: June \_\_, 2012  
 Time: 10:00 a.m.  
 Place: Courtroom 5, 4th Floor  
 Judge: Hon. Paul S. Grewal

1 **DECLARATION OF JAMES WARD**

2 I, James Ward, declare as follows:

3 1. I am an attorney with the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,  
4 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung  
5 Telecommunications America, LLC (collectively, "Samsung"). I submit this declaration in  
6 support of Samsung's Opposition to Apple Inc.'s Motion to Strike Portions of Samsung's Expert  
7 Reports. I have personal knowledge of the facts set forth in this declaration, except as otherwise  
8 noted, and, if called upon as a witness, I could and would testify to such facts under oath.

9 2. On October 7, 2011, Samsung served its Invalidity Contentions, a true and  
10 correct copy of which is attached hereto as Ex. A.

11 3. On March 22, 2012, Samsung served the Expert Report of Stephen Gray, a true  
12 and correct copy of which is attached hereto as Ex. B.

13 4. On March 9, 2012, in Boston, MA, Apple took the deposition of Mr. Adam  
14 Bogue in the case of *In the Matter of Certain Portable Electronic Devices and Related Software*,  
15 Inv. No. 337-TA-797, a true and correct copy of the relevant portions of the transcript of which  
16 is attached hereto as Ex. C.

17 5. On March 8, 2012, in Boston, MA, Apple took the deposition of Mr. Clifton  
18 Forlines in the case of *In the Matter of Certain Portable Electronic Devices and Related*  
19 *Software*, Inv. No. 337-TA-797, a true and correct copy of the relevant portions of the transcript  
20 of which is attached hereto as Ex. D.

21 6. On October 20, 2012, MERL produced to Apple, DiamondTouch programs and  
22 source code. A true and correct copy of the October 20, 2011 letter from Aaron Kaufman to  
23 Richard Hung, which attached this production, is attached hereto as Ex. E.

24 7. On March 22, 2012, Samsung served the Expert Report of Dr. Andries van Dam,  
25 a true and correct copy of which is attached hereto as Ex. F.

1           8.       On October 18, 2011, in Redwood Shores, CA, Samsung took the deposition of  
2 Mr. Brian Q. Huppi, a true and correct copy of the relevant portions of the transcript of which is  
3 attached hereto as Ex. G.

4           9.       On March 22, 2012, Apple served the Expert Report of Dr. Michel Maharbiz, a  
5 true and correct copy of which is attached hereto as Ex. H.

6           10.      Attached hereto as Ex. I. is a true and correct copy of a document produced by  
7 Apple in this litigation bearing Bates label APLNDC0000994176.

8           11.      Attached hereto as Exhibit J. is a true and correct copy of a document produced  
9 by Apple in this litigation bearing Bates label APLNDC-X0000006145.

10          12.      Attached hereto as Exhibit K. is a true and correct copy of a document produced  
11 by Apple in this litigation bearing Bates label APLNDC-Y0000264203-421.

12          13.      On April 5, 2012, Samsung served Corrected Expert Report of Dr. Brian Von  
13 Herzen, a true and correct copy of which is attached hereto as Ex. L.

14          14.      On April 16, 2012, Samsung served the Expert Report of Dr. Jeffrey Johnson, a  
15 true and correct copy of the relevant portions of which is attached hereto as Ex. M.

16          15.      On December 30, 2011, Sara Jenkins, attorney with Quinn Emanuel Urquhart &  
17 Sullivan, LLP, sent an e-mail to AppleMoFo@mofocom, producing Samsung source code for  
18 inspection. A true and correct copy of this email is attached hereto as Ex. N.

19          16.      On February 3, 2012, Sara Jenkins, attorney with Quinn Emanuel Urquhart &  
20 Sullivan, LLP, sent an e-mail to AppleMoFo@mofocom producing physical Samsung devices  
21 for inspection. A true and correct copy of this email is attached hereto as Ex. O.

22          17.      On March 12, 2012, Samsung served its Second Supplemental Objections and  
23 Responses to Apple Inc.'s Second Set of Interrogatories, a true and correct copy of the relevant  
24 portions of which is attached hereto as Ex. P.

25          18.      On April 26, 2012, in Redwood Shores, CA, Apple took the deposition of  
26 Dr. Jeffrey Johnson, a true and correct copy of the relevant portions of the transcript of which is  
27 attached hereto as Ex. Q.

- 1           19.     On August 26, 2011, Apple served its Infringement Contentions, a true and  
2 correct copy of the relevant portions of which is attached hereto as Ex. R.
- 3           20.     On April 16, 2012, Samsung served the Rebuttal Expert Report of Mr. Stephen  
4 Gray, a true and correct copy of the relevant portions of which is attached hereto as Ex. S.
- 5           21.     On March 22, 2012, Apple served the Expert Report of Dr. Karan Singh, a true  
6 and correct copy of the relevant portions of which is attached hereto as Ex. T.
- 7           22.     On May 25, 2012, Samsung served the Supplement to Rebuttal Expert Report of  
8 Mr. Stephen Gray, a true and correct copy of the relevant portions of which is attached hereto as  
9 Ex. U.
- 10          23.     On September 7, 2011, Samsung served its Infringement Contentions, a true and  
11 correct copy of the relevant portions of which is attached hereto as Ex. V.
- 12          24.     On March 22, 2012, Samsung served the Expert Report of Dr. Woodward Yang,  
13 a true and correct copy of the relevant portions of which is attached hereto as Ex. W.
- 14          25.     On March 22, 2012, Apple served the Expert Report of Dr. Mani Srivastava, a  
15 true and correct copy of the relevant portions of which is attached hereto as Ex. X.
- 16          26.     On April 25, 2012, in Los Angeles, CA, Samsung took the deposition of  
17 Dr. Mani Srivastava, a true and correct copy of the relevant portions of the transcript of which is  
18 attached hereto as Ex. Y.
- 19          27.     On May 8, 2012, in Boston, MA, Apple took the deposition of Dr. Woodward  
20 Yang, a true and correct copy of the relevant portions of the transcript of which is attached  
21 hereto as Ex. Z.
- 22          28.     A true and correct copy of U.S. Patent No. 7,577,460 is attached hereto as  
23 Ex. AA.
- 24          29.     On March 22, 2012, Samsung served the Expert Report of Dr. Tim A. Williams,  
25 a true and correct copy of the relevant portions of which is attached hereto as Ex. BB.
- 26          30.     A true and correct copy of the relevant portion of the transcript of the hearing in  
27 this case on April 9, 2012 before Hon. Paul S. Grewal is attached hereto as Ex. CC.

1           31.     Apple has served two supplemental expert damages reports after the applicable  
2 deadlines, on April 26, 2012: the First Supplemental Expert Report of Richard Donaldson and  
3 the First Supplemental Expert Report of Dr. Janusz A. Ordover.

4           32.     On May 12, 2012, Apple took the deposition of Mr. Michael J. Wagner, a true  
5 and correct copy of the relevant portions of the transcript of which is attached hereto as Ex. DD.

6           33.     Mr. Wagner's supplemental report was served on May 11, 2012, before Apple  
7 deposed Mr. Wagner on May 12, 2012, and before Samsung deposed Mr. Musika on May 14,  
8 2012.

9           34.     On April 16, 2012, Samsung served the Expert Report of Mr. Michael J. Wagner,  
10 a true and correct copy of the relevant portions of which is attached hereto as Ex. EE.

11          35.     On May 8, 2012, Apple served the Supplemental Expert Report of Mr. Terry L.  
12 Musika, a true and correct copy of the relevant portions of which is attached hereto as Ex. FF.

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14           I declare under penalty of perjury under the laws of the United States of America that the  
15 foregoing is true and correct.

16           Executed on May 31, 2012, in New York, New York.

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/s/ James J. Ward  
James J. Ward

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