

Exhibit 1

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15 INC. and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC
16

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
19

20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

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

26 Defendants.
27

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

**SECOND SUPPLEMENTAL
DECLARATION OF CHRISTOPHER E.
PRICE IN SUPPORT OF SAMSUNG'S
MOTION TO STRIKE EXPERT
TESTIMONY BASED ON UNDISCLOSED
FACTS AND THEORIES**

Date: June 26, 2012

Time: 10:00 a.m.

Place: Courtroom 5, 4th Floor

Judge: Hon. Paul S. Grewal

UNDER SEAL

1 **SECOND SUPPLEMENTAL DECLARATION OF CHRISTOPHER E. PRICE**

2 I, Christopher E. Price, declare as follows:

3 1. I am Of Counsel 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 second
6 supplemental declaration in support of Samsung's Motion to Strike Expert Testimony Based on
7 Undisclosed Facts and Theories. I have personal knowledge of the facts set forth in this
8 supplemental declaration, except as otherwise noted, and, if called upon as a witness, I could and
9 would testify to such facts under oath.

10 2. On May 30, 2012, 13 days after Samsung filed its Motion to Strike – which seeks
11 in part to strike portions of the reports of Apple's damages expert due to Apple's deficient,
12 incomplete, belated, and contradictory production of licensing information – Apple produced for
13 the first time four more patent license agreements. A true and correct copy of Peter J. Kolovos's
14 May 31, 2012 letter to Diane C. Hutnyan regarding the production is attached as Exhibit A. The
15 four patent license agreements are:

16 (a) Document Bates numbered APLNDC-WH0000728153-8172, a true and correct
17 copy of which is attached as Exhibit B. [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] See Exs. U, V, and W to the Declaration of
21 Christopher E. Price in Support of Samsung's Motion to Strike, Dkt. No. 936.)

22 (b) Document Bates numbered APLNDC-WH0000728173-8184, a true and correct
23 copy of which is attached as Exhibit C. [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED] Exhibit M to the Declaration of Christopher E. Price in Support of Samsung's
27 Motion to Strike, Dkt. No 936);

28

1 (c) Document Bates numbered APLNDC-WH0000728185-8192, a true and correct
2 copy of which is attached as Exhibit D; and

3 (d) Document Bates numbered APLNDC-WH0000728193-8218, a true and correct
4 copy of which is attached as Exhibit E.

5 3. [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 4. Apple's Rule 30(b)(6) witness on certain licensing issues was deposed on
12 February 23, 2012. Fact discovery in this case closed on March 8, 2012. Samsung served its
13 opening and rebuttal damages reports on March 22 and April 16, 2012, respectively. Obviously,
14 these newly produced license agreements – as well as the other agreements discussed in my
15 original declaration – were not available to Samsung or its experts to formulate Samsung's
16 damages theories or respond to Apple's.

17
18 I declare under penalty of perjury under the laws of the United States of America that the
19 foregoing is true and correct.

20 Executed on May 31, 2012, at Los Angeles, California.

21
22
23 
24
25 _____
26 Christopher E. Price

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