

**DECLARATION OF NATHAN SABRI IN
SUPPORT OF APPLE'S OPPOSITIONS TO
SAMSUNG'S MOTION FOR SANCTIONS AND
MOTION TO ENFORCE**

EXHIBIT 1

quinn emanuel trial lawyers | silicon valley

555 Twin Dolphin Drive, 5th Floor, Redwood Shores, California 94065-2139 | TEL: (650) 801-5000 FAX: (650) 801-5100

WRITER'S DIRECT DIAL NO.
(650) 801-5005

WRITER'S INTERNET ADDRESS
rachelkassabian@quinnemanuel.com

October 21, 2011

Via E-Mail

Wesley E. Overson
Morrison & Foerster
425 Market Street
San Francisco, CA 94105-2482

Peter J. Kolovos
WilmerHale
60 State Street
Boston, MA 02109

Re: *Apple v. Samsung Elecs. Co. et al.*, Case No. 11-cv-1846 LHK (N.D. Cal.)

Dear Wesley and Peter:

This letter summarizes the parties' meet and confer of October 19, 2011, and provides a few minor updates on several of the issues discussed.

I. Joint Issues

Draft Protective Order

The parties agreed to further discuss Apple's changes made in the draft it transmitted on October 18, including the sections regarding the trademark prosecution bar, source code review, and cross-use. The parties agreed that the protective order should be finalized as soon as practicable.

quinn emanuel urquhart & sullivan, llp

LOS ANGELES | 865 South Figueroa Street, 10th Floor, Los Angeles, California 90017-2543 | TEL (213) 443-3000 FAX (213) 443-3100

NEW YORK | 51 Madison Avenue, 22nd Floor, New York, New York 10010-1601 | TEL (212) 849-7000 FAX (212) 849-7100

SAN FRANCISCO | 50 California Street, 22nd Floor, San Francisco, California 94111-4788 | TEL (415) 875-6600 FAX (415) 875-6700

CHICAGO | 500 W. Madison Street, Suite 2450, Chicago, Illinois 60661-2510 | TEL (312) 705-7400 FAX (312) 705-7401

LONDON | 16 Old Bailey, London EC4M 7EG, United Kingdom | TEL +44(0) 20 7653 2000 FAX +44(0) 20 7653 2100

TOKYO | NBF Hibiya Bldg., 25F, 1-1-7, Uchisaiwai-cho, Chiyoda-ku, Tokyo 100-0011, Japan | TEL +81 3 5510 1711 FAX +81 3 5510 1712

MANNHEIM | Erzbergerstraße 5, 68165 Mannheim, Germany | TEL +49(0) 621 43298 6000 FAX +49(0) 621 43298 6100

Providing Mockups at Depositions

Samsung requested that Apple make available its product mockups at the depositions of the relevant inventors. Apple refused, claiming that the mockups were too numerous. When I asked how many there were, Apple indicated that it did not know. Apple also claimed that the mockups were fragile. When I indicated that many of the mockups were made of hard plastic and/or metal, Apple did not have a response. Samsung reiterates its request that Apple make these highly relevant materials available at the upcoming inventor depositions. If Apple declines to do so, Samsung will not consider these depositions closed, and reserves all rights to seek to continue the depositions to question the inventors regarding these mockups at a second deposition session, pursuant to court order if necessary.

Prior Deposition Transcripts and Exhibits Thereto

Samsung requested that Apple provide all prior deposition transcripts for all inventor witnesses. Apple claimed that such materials are irrelevant. Samsung identified why these materials were relevant, including that as prior sworn testimony, these materials were relevant to the witness's credibility. Moreover, Apple itself has propounded similar document requests calling for prior deposition transcripts. *See, e.g.*, Apple's Third Set of Requests for Product, Nos. 151-153; Apple's Fourth Set of Requests for Production, No. 184. Given that the Apple inventor depositions are currently ongoing, Samsung requests that Apple produce these materials immediately.

Samsung further requested that Apple produce the exhibits referenced in the prior deposition transcripts. Apple represented that although it would not provide all exhibits for all prior depositions, it would honor specific requests for relevant exhibits. Samsung reiterated that Apple should produce all of these materials, and further made a specific request that Samsung provide the Christensen transcripts and accompanying exhibits without delay due to his upcoming deposition.

Apple's Document Collection Process

Apple represented that it had interviewed each of its inventor deponents and asked them for relevant documents. When the inventor deponents directed Apple's counsel to relevant documents Apple claims that it searched those sources and produced responsive documents. Apple further represented that it had search the email accounts of all of its inventors using previously disclosed search terms, and that in some instances (but not all) it had also conducted searches of these inventors' computer hard drives. Apple later represented that it would provide Samsung with a further description of its collection process thus far. When I asked if Apple wished to correct any of its representations made during our call, Apple indicated that none were necessary.

Apple's Responses to Samsung's First Set of Interrogatories and Requests for Production of Documents

Apple represented that it will endeavor to respond to our previous letter on this issue by Friday October 21.

Very truly yours,

/s/

Rachel Herrick Kassabian

cc: Mia Mazza
Jason Bartlett
Sam Maselli
Calvin Walden