

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

**EXHIBIT 10**

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February 24, 2012

**VIA ELECTRONIC MAIL**

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

Dear Jason:

Following on my February 18 letter, I write to update Apple further on Samsung's efforts to obtain approval from certain third parties for Apple to produce materials from related actions that purportedly contain the confidential business information of those third parties.

Regarding Nokia and Motorola, these entities have notified us that they cannot agree to give Samsung this approval without knowing more about the specific documents in Apple's possession that purportedly contain their confidential business information. Samsung, of course, does not have access to these documents and cannot provide the information these entities require. Therefore, Samsung requests that Apple produce these documents in redacted form no later than Monday, February 27, 2012 or, by tomorrow, identify all such documents from related actions that contain Nokia's or Motorola's confidential business information, with sufficient specificity to allow those entities to make a determination about whether they will grant permission.

Regarding HTC, Samsung has identified an additional action that contains materials related to this litigation. Please add *Apple Inc. et al v. High Tech Computer Corp.*, 10-cv-166-GMS (D. Del.) to the list of cases from which Apple is preparing materials to produce. Samsung has been unable to secure permission from HTC for Apple to produce documents containing its

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confidential business information. Therefore, please produce, no later than Monday, February 27, 2012, redacted copies of documents from those related actions identified in my previous correspondence, as well as from the additional suit identified above.

Although you represented on February 10 that "[o]nce Samsung obtains this consent, Apple will promptly produce such documents," we have received no response to my letter of the 18<sup>th</sup> notifying you that we had obtained that consent with regard to Google and Atmel. Nor has Apple ever confirmed what cases it will agree to provide information from, or given us a complete list of which cases have CBI issues and which do not. And it does not appear we have received any documents from these cases, even the ones where no CBI issue has been identified.

Please let us know when these documents will be produced, and if they have been produced, please provide the relevant Bates numbers and clearly identify what cases the materials come from (identifying each case production by Bates numbers as well). As you know, Apple finally agreed that it should provide, as part of the meet and confer process, the kind of information that it would eventually disclose in resisting a motion to compel, rather than holding that information back until a motion was filed. Please abide by that agreement and respond in detail to my letters.

If Apple refuses to cooperate, or fails to respond, Samsung will bring this issue back to the Court for resolution, as contemplated in footnote 1 of the Court's December 22, 2011 Order on this issue (Dkt. 536).

Kind regards,

*/s/ Diane C. Hutnyan*

Diane C. Hutnyan