

# EXHIBIT D

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June 12, 2012

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**VIA E-MAIL**

Mia Mazza  
Morrison and Foerster  
425 Market Street  
San Francisco, California 94105

Re: Apple v. Samsung, Case No. 11-cv-1846-LHK (PSG) (N.D. Cal.)

Dear Mia:

Apple produced several expert reports from Brian W. Napper, prepared in connection with *Apple, Inc. v. Motorola, Inc.*, Case No. 11-CV-08540 (N.D. Ill.) (“*Apple v. Motorola*”), a case Judge Grewal has found shares a technological nexus with this case.<sup>1</sup> Yet Apple did not produce a transcript of any deposition of Mr. Napper in that case, nor did Apple produce Mr. Napper’s March 20 report, referenced by Apple in its April 13, 2012 Motion to Supplement its Expert Reports. (See APLNDC-Y0000393004, at 3.)

As you know, the April 12 Order required Apple to produce “deposition transcripts from witnesses [such as] experts, as well as declarations and affidavits, expert reports, hearing transcripts, court rulings, and pleadings” from related proceedings. (Dkt. No. 867, at 11.) Mr. Napper’s deposition transcripts and March 20 report fall squarely within that description.

Please produce these materials without further delay.

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<sup>1</sup> Specifically, Apple produced the following reports: 1) APLNDC-Y0000365835: Expert Report of Brian W. Napper, dated September 14, 2011, attached as Exh. 265 (p. 1941) to Declaration of Christine Saunders Haskett in Support of Memorandum in Opposition to Motorola’s Motion for Summary Judgment on Apple’s Estoppel/Unclean Hands Defense; 2) APLNDC-Y0000342859: Supplemental Expert Report of Brian W. Napper, dated March 1, 2012 is attached as Exh. 4 (p. 75) to Apple’s Motion for Reconsideration of the Court’s Order Striking Apple’s Supplemental Reports Regarding Its Equitable Estoppel And Unclean Hands Defenses; 3) APLNDC-Y0000344998: Rebuttal Expert Report of Brian W. Napper, dated April 15, 2012; 4) APLNDC-Y0000358653: Supplemental Expert Report of Brian W. Napper, dated April 20, 2012 (duplicate at APLNDC-Y0000365362).

Best regards,

/s/ Diane C. Hutnyan

DCH