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 LTD., SAMSUNG ELECTRONICS AMERICA,  
 14 INC. and SAMSUNG  
 TELECOMMUNICATIONS AMERICA, LLC  
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16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION  
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19 APPLE INC., a California corporation,  
 20 Plaintiff,  
 21 vs.  
 22 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean business entity; SAMSUNG  
 23 ELECTRONICS AMERICA, INC., a New  
 York corporation; SAMSUNG  
 24 TELECOMMUNICATIONS AMERICA,  
 LLC, a Delaware limited liability company,  
 25 Defendant.  
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CASE NO. 11-cv-01846-LHK

**DECLARATION OF JOHN D'AMATO IN  
 SUPPORT OF SAMSUNG'S MOTIONS IN  
 LIMINE**

**Date: July 18, 2012**  
**Time: 2:00 p.m.**  
**Place: Courtroom 8, 4th Floor**  
**Judge: Hon. Lucy H. Koh**

1 I, John D'Amato, declare:

2 1. I am a partner with the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,  
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung  
4 Telecommunications America, LLC (collectively "Samsung"). I have personal knowledge of the  
5 facts set forth in this declaration and, if called upon as a witness, I could and would testify to such  
6 facts under oath.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of the document with the  
8 Bates numbers APLNDC-Y0000233442 to APLNDC-Y0000233444, marked previously as  
9 Exhibit CX-2368C at the hearing for *In the Matter of Certain Electronic Digital Media Devices*  
10 *And Components Thereof*, Inv. No. 337-TA-796.

11 3. Attached hereto as **Exhibit B** is a true and correct copy of the document marked  
12 previously as CX-1738 at the hearing for *In the Matter of Certain Electronic Digital Media*  
13 *Devices And Components Thereof*, Inv. No. 337-TA-796.

14 4. Attached hereto as **Exhibit C** is a true and correct copy of the document with the  
15 Bates numbers SAMNDCA10159856 to SAMNDCA10159858, marked previously as Exhibit  
16 CX-1529C at the hearing for *In the Matter of Certain Electronic Digital Media Devices And*  
17 *Components Thereof*, Inv. No. 337-TA-796.

18 5. Attached hereto as **Exhibit D** is a true and correct copy of the Honorable Richard  
19 Posner's May 25, 2012 Order in *Apple, Inc. v. Motorola, Inc.*, Case No. 1:11-cv-08540 (N.D. Ill.)

20 6. Attached hereto as **Exhibit E** is a true and correct copy of excerpts from the  
21 transcript of the April 17, 2012 deposition of Gee-Sung Choi.

22 7. Attached hereto as **Exhibit F** is a true and correct copy of the Honorable Richard  
23 Posner's June 22, 2012 Order in *Apple, Inc. v. Motorola, Inc.*, Case No. 1:11-cv-08540 (N.D. Ill.)

24 8. Attached hereto as **Exhibit G** is a true and correct copy of the document bearing  
25 the Bates numbers SAMNDCA10154003-53, along with a translation of the document.

26 9. Attached hereto as **Exhibit H** is a true and correct copy of excerpts from the  
27 transcript of the February 24, 2012 deposition of Sangeun Lee.

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1           10.     Attached hereto as **Exhibit I** is a true and correct copy of the document bearing the  
2 Bates numbers SAMNDCA00352115-182.

3           11.     Attached hereto as **Exhibit J** is a true and correct copy of excerpts from the  
4 transcript of the February 22, 2012 deposition of Timothy Benner.

5           12.     Attached hereto as **Exhibit K** is a true and correct copy of the document bearing  
6 the Bates numbers S-ITC-800042137-8.

7           13.     Attached hereto as **Exhibit L** is a true and correct copy of the translation of an  
8 email bearing the Bates numbers SAMNDCA00044700.

9           14.     Attached hereto as **Exhibit M** is a true and correct copy of the document bearing  
10 the Bates numbers SAMNDCA10167856-7.

11          15.     Attached hereto as **Exhibit N** is a true and correct copy of the document bearing  
12 the Bates numbers SAMNDCA10969926-34, along with a translation of the document.

13          16.     Attached hereto as **Exhibit O** is a true and correct copy of Samsung Electronics  
14 Co. Ltd.'s First Set of Interrogatories to Apple, Inc., served on August 3, 2011.

15          17.     Attached hereto as **Exhibit P** is a true and correct copy of Apple's Objections and  
16 Responses to Samsung Electronics Co. Ltd.'s First Set of Interrogatories, served September 12,  
17 2011.

18          18.     Attached hereto as **Exhibit Q** is a true and correct copy of Apple's Second  
19 Amended Objections and Response to Samsung Electronics Co. Ltd.'s Interrogatory No. 5, served  
20 March 8, 2012.

21          19.     Attached hereto as **Exhibit R** is a true and correct copy of Samsung's Fourth Set of  
22 Interrogatories to Apple Inc., served February 7, 2012.

23          20.     Attached hereto as **Exhibit S** is a true and correct copy of Apple's Objections and  
24 Responses to Samsung's Fourth Set of Interrogatories, served March 10, 2012.

25          21.     Attached hereto as **Exhibit T** is a true and correct copy of Apple Inc.'s Corrected  
26 Amended Objections and Responses to Samsung Electronics Co. Ltd.'s Interrogatory Nos. 4, 6, 7,  
27 16, 17, 18, served March 9, 2012.

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1           22.     Attached hereto as **Exhibit U** is a true and correct copy of the Honorable Richard  
2 Posner’s May 31, 2012 Order in *Apple, Inc. v. Motorola, Inc.*, Case No. 1:11-cv-08540 (N.D. Ill.)

3           23.     Attached hereto as **Exhibit V** is a true and correct copy of the relevant portions of  
4 the Expert Report of Ravin Balakrishnan, Ph.D. Regarding Infringement of U.S. Patent No.  
5 7,469,381.

6           24.     Attached hereto as **Exhibit W** is a true and correct copy of the relevant portions of  
7 the Expert Report of Karan Singh, Ph.D. Regarding Infringement of U.S. Patents Nos. 7,864,163,  
8 7,844,915 and 7,853,891.

9           25.     On July 5, 2012, counsel for Apple indicated that Apple would not oppose  
10 Samsung’s MIL No. 10, as demonstrated in an email from counsel for Apple Alison Tucher, a true  
11 and correct copy of which is attached hereto as **Exhibit X**.

12           26.     1.     Attached hereto as **Exhibit Y** is a true and correct copy of the document  
13 bearing the Bates numbers SAMNDCA00250864-87.

14

15           I declare under penalty of perjury that the foregoing is true and correct. Executed in Los  
16 Angeles, California on July 5, 2012.

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/s/ John D’Amato\_\_\_\_\_

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John D’Amato

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**GENERAL ORDER ATTESTATION**

I, Victoria Maroulis, am the ECF user whose ID and password are being used to file the foregoing document. I hereby attest pursuant to General Order 45.X.B. that concurrence in the electronic filing of this document has been obtained from John D'Amato.

/s/ Victoria Maroulis