

EXHIBIT 80

SUBJECT TO PROTECTIVE ORDER
CONTAINS CONFIDENTIAL INFORMATION

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*Attorneys for Plaintiff and
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

16 APPLE INC., a California corporation,

17 Plaintiffs,

18 vs.

19 SAMSUNG ELECTRONICS CO., LTD., a
20 Korean business entity, SAMSUNG
21 ELECTRONICS AMERICA, INC., a New
22 York corporation, and SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

23 Defendants.

Civil Action No. 11-CV-01846-LHK

**APPLE INC.'S SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO
SAMSUNG'S FIRST SET OF
INTERROGATORIES**

**CONFIDENTIAL UNDER THE
PROTECTIVE ORDER**

28 APPLE INC.'S SUPPLEMENTAL RESPONSES TO
SAMSUNG'S FIRST SET OF INTERROGATORIES

(NOS. 8, 13, & 14)

Case No. 11-cv-01846 (LHK)

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1
2 SAMSUNG ELECTRONICS CO., LTD., a
3 Korean business entity, SAMSUNG
4 ELECTRONICS AMERICA, INC., a New
5 York corporation, and SAMSUNG
6 TELECOMMUNICATIONS AMERICA,
7 LLC, a Delaware limited liability company, a
8 California corporation,

9 Counterclaim-Plaintiff,

10 v.

11 APPLE INC., a California corporation,

12 Counterclaim-Defendants.

13 **PLAINTIFF AND COUNTERCLAIM-DEFENDANT APPLE INC.'S
14 SUPPLEMENTAL RESPONSES TO SAMSUNG'S
15 FIRST SET OF INTERROGATORIES (NOS. 8, 13, & 14)**

16 Under Rules 26 and 33 of the Federal Rules of Civil Procedure and Local Rule 33, Apple
17 Inc. ("Apple") hereby provides supplemental responses to the First Set of Interrogatories to
18 Apple Inc. (Nos. 8, 13, & 14) served by Samsung Electronics Co., Ltd., Samsung Electronics
19 America, Inc., and Samsung Telecommunications America LLC (collectively, "Samsung") on
20 August 3, 2011. These responses are based on information reasonably available to Apple at the
21 present time. Apple reserves the right to amend and supplement these responses when and if
22 additional information becomes available.

23 **GENERAL OBJECTIONS**

24 The General Objections set forth in Apple Objections and Responses to Samsung's First
25 Set of Interrogatories, served on September 12, 2011, are incorporated herein by reference.
26
27
28

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OBJECTIONS AND RESPONSES TO INTERROGATORIES

1
2 Subject to the foregoing qualifications and General Objections and the specific objections
3 made below, Apple objects and responds to Samsung Electronics Co. Ltd.'s First Set of
4 Interrogatories to Apple Inc. as follows:

5 **Interrogatory No. 8**

6 Separately for each claim or counterclaim APPLE has asserted or will assert, identify and
7 fully describe any and all damages that APPLE is claiming in This Lawsuit and the detailed basis
8 for any such damages claim, including whether APPLE is seeking lost profits or a reasonable
9 royalty and the periods of time over which APPLE claims it has suffered damages. If APPLE is
10 seeking lost profits, identify the amount of the alleged lost profits, the computation of the alleged
11 lost profits including all revenues, income, costs, unit costs, and quantity associated with the
12 manufacture, sales and offers for sale by APPLE or any other entity of any product APPLE
13 contends is covered by the APPLE PATENTS-IN-SUIT, each purported lost sale or other item
14 which forms any part of APPLE's alleged lost profits, and the time period over which APPLE
15 claims it is entitled to lost profits. If APPLE is seeking a reasonable royalty, identify the amount
16 of the reasonable royalty, including any royalty rate expressed in per unit or percentage of
17 revenues terms and the basis for the per unit or percentage used, the computation of the alleged
18 reasonable royalty, and the time period over which APPLE claims it is entitled to lost profits.

19
20 **Response to Interrogatory No. 8**

21 Apple objects to this Interrogatory as overbroad, unduly burdensome, and not reasonably
22 calculated to lead to the discovery of admissible evidence. Apple objects to this Interrogatory as
23 premature to the extent that it: (a) conflicts with the schedule entered by the Court, (b) conflicts
24 with the obligations imposed by the Federal Rules of Civil Procedure, the Civil Local Rules
25 and/or the Patent Local Rules of this Court, and/or any other applicable rule; (c) seeks
26 information that is the subject of expert testimony; (d) seeks information and/or responses that
27 are dependent on the Court's construction of the asserted claims of the patents-in-suit; (e) seeks

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1 information and/or responses that are dependent on depositions and documents that have not
2 been taken or produced; or (f) requires access to data and information in Samsung's sole
3 possession. Apple objects to this Interrogatory to the extent it seeks information that: (i) requires
4 the disclosure of information, documents, and things protected from disclosure by the attorney-
5 client privilege, work product doctrine, common interest doctrine, joint defense privilege, or any
6 other applicable privilege, doctrine, or immunity; or (ii) can be obtained as easily by Samsung, is
7 already in Samsung's possession, or is publicly available.
8

9 Subject to and without waiving the foregoing General and Specific Objections, Apple
10 responds as follows:

11 Apple claims a monetary award as a result of Samsung's infringement of Apple's patents.
12 Pursuant to 35 U.S.C. § 289, Apple claims Samsung's total profits from all sales that infringe
13 Apple's design patents, together with prejudgment interest. These shall include Samsung's total
14 profits based on sales of each of the infringing products and any profits resulting from associated
15 or reasonably foreseeable sales of other items in connection with or resulting from the sales of
16 each of the infringing products. Pursuant to 35 U.S.C. § 284, Apple claims damages adequate to
17 compensate for Samsung's infringement of Apple's design and utility patents, which shall in no
18 event be less than a reasonable royalty for Samsung's infringement. Apple has lost profits on
19 sales of its products as well as other revenues due to the presence of Samsung's infringement and
20 the competition by Samsung using Apple's intellectual property. These lost profits shall include
21 lost profits due to lost sales of iPhone and iPad products. Further, they include lost profits due to
22 price erosion with respect to Apple products and profits lost because Apple did not receive
23 foreseeable downstream sales of additional products and services. A reasonable royalty shall
24 apply to any sales of infringing products that are not proved to have resulted in lost profits.
25 Apple seeks prejudgment interest on any monetary award provided pursuant to section 284.
26 Further, Apples seeks enhanced damages of three times the amount assessed based on Samsung's
27 misconduct and willful infringement of Apple's patents.
28

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1 Pursuant to 15 U.S.C. § 1117, Apple claims a monetary award for Samsung's
2 misappropriation of Apple's trademarks and trade dress, and the dilution of the foregoing. Apple
3 further claims an award based on Samsung's common law trademark infringement. Samsung has
4 wrongly obtained profits by virtue of its infringement and misappropriation and this amount shall
5 be calculated initially on Samsung's revenues from sales of all products obtained through and as
6 a foreseeable result of Samsung's infringement, dilution, and misappropriation. Apple separately
7 claims an award for the damages that it sustained due to Samsung's infringement, dilution, and
8 misappropriation. These include lost sales of Apple products as well as foreseeable downstream
9 sales of products and services and the expense of remedial, corrective or other steps that Apple
10 has had to take in light of Samsung's infringement. Further, Apple seeks a monetary award for
11 purposes of future corrective advertising. Pursuant to section 1117, Apple seeks an award
12 trebling the damages assessed.

13
14 Apple has and will have expended costs and reasonable attorneys fees, which it will seek
15 to recover pursuant to 15 U.S.C. § 1117 and 35 U.S.C. § 285 because Samsung's infringement
16 and misconduct presents an exceptional case.

17 Based on Samsung's unfair business practices in violation of California Business and
18 Professions Code § 17200 and Samsung's unjust enrichment of itself due to misappropriation of
19 Apple's intellectual property, Apple claims an award restoring to Apply all profits earned as a
20 result of Samsung's unlawful actions. Apple further claims restitution based on other revenues or
21 benefits wrongly obtained by Samsung due to its violations.

22 Apple also claims damages as a result of Samsung's anticompetitive conduct and
23 unlawful business acts and practices, including its failure to offer Apple a license on fair,
24 reasonable and non-discriminatory (FRAND) terms to Samsung's claimed standards-essential
25 patents. These damages include the expenditure of resources and costs to resolve its licensing
26 dispute with Samsung and defending against Samsung's patent infringement claims,
27 notwithstanding Apple's license to those patents by virtue of Samsung's FRAND commitments.

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1 Apple also is threatened by loss of profits, loss of customers and potential customers, loss of
2 goodwill and product image, uncertainty in business planning and uncertainty among customers
3 and potential customers. Such damages may be determined by methods including, but not limited
4 to, litigation expenditures incurred in the defense of Samsung's patent infringement claims, lost
5 profits, and lost sales. In addition, pursuant to Section 4 of the Clayton Act and/or Section 16750
6 of the California Business and Professions Code, Apple is entitled to treble the amount of its
7 actual damages suffered as a result of Samsung's conduct and all reasonable attorneys' fees and
8 costs. Moreover, Apple is seeking all reasonable attorneys' fees and costs as a result of
9 Samsung's violations of the California Unfair Competition Law, and in connection with its
10 defense against Samsung's infringement claims.

11
12 Apple reserves the right to supplement its damages theory as additional information
13 becomes available. In addition, Apple will provide information responsive to this Interrogatory
14 consistent with the Court's Scheduling Order for the disclosure of damages experts.

15 **Supplemental Response to Interrogatory No. 8**

16 Subject to and without waiving the foregoing General and Specific Objections, Apple
17 responds as follows: Apple also claims damages as a result of Samsung's breach of contract,
18 anticompetitive conduct and unlawful business acts and practices, including its failure to offer
19 fair, reasonable and non-discriminatory (FRAND) license terms to Samsung's claimed
20 standards-essential patents. These damages include the expenditure of resources and costs to
21 resolve its licensing dispute with Samsung and defending against Samsung's patent infringement
22 claims, notwithstanding Apple's license to those patents by virtue of Samsung's FRAND
23 commitments. Apple also is threatened by loss of profits, loss of customers and potential
24 customers, loss of goodwill and product image, increased input technology costs and decreased
25 quality and innovation, uncertainty in business planning and uncertainty among customers and
26 potential customers. Such damages may be determined by methods including, but not limited to,
27 litigation expenditures incurred in the defense of Samsung's patent infringement claims, lost

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1 profits, and lost sales. In addition, pursuant to Section 4 of the Clayton Act and/or Section 17200
2 of the California Business and Professions Code, Apple is entitled to treble the amount of its
3 actual damages suffered as a result of Samsung's conduct and all reasonable attorneys' fees and
4 costs. Moreover, Apple is seeking all reasonable attorneys' fees and costs as a result of
5 Samsung's violations of the California Unfair Competition Law, and the Sherman Act, and in
6 connection with its defense against Samsung's infringement claims.
7

8 Apple reserves the right to supplement its damages theory as additional information
9 becomes available. In addition, Apple will provide information responsive to this Interrogatory
10 consistent with the Court's Scheduling Order for the disclosure of damages experts.

11 **Interrogatory No. 13**

12 Separately for each of the SAMSUNG PATENTS-IN-SUIT, identify the date(s) APPLE
13 first became aware of each patent, the persons at APPLE who first became aware of each patent
14 and the detailed circumstances by which each such person became aware of each patent.

15 **Response to Interrogatory No. 13**

16 Apple objects to this Interrogatory as overbroad, unduly burdensome, and not reasonably
17 calculated to lead to the discovery of admissible evidence, especially to the extent it calls for the
18 identification of the "detailed circumstances" by which Apple became aware of each patent.

19 Apple also objects to this Interrogatory to the extent it requires the disclosure of information,
20 documents and things protected from disclosure by the attorney-client privilege, work product
21 doctrine, common interest doctrine, joint defense privilege, or any other applicable privilege,
22 doctrine, or immunity.

23 Subject to and without waiving the foregoing General and Specific Objections, Apple
24 responds as follows: Apple became aware of U.S. Patent No. 7,675,941 and U.S. Patent No.
25 7,447,516 on or before April 21, 2011, when Samsung first asserted the respective foreign
26 counterparts of these patents against Apple in Japan and Korea. Apple became aware of the
27 following Samsung Patents-in-Suit on or before April 27, 2011, when Samsung filed its initial

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1 Complaint in Case No. 1 1-CV-02079: U.S. Patent Nos. 7,362,867, 7,200,792, 7,386,001,
2 7,050,410, 6,928,604, and 7,069,055. Apple became aware of the remaining Samsung Patents-
3 in-Suit on or before June 30, 2011, when Samsung filed its Answer and Counterclaims in this
4 action.

5 Apple's investigation is ongoing and Apple reserves the right to supplement this response
6 as this litigation progresses.

7 **Supplemental Response to Interrogatory No. 13**

8 Subject to and without waiving the foregoing General and Specific Objections, Apple
9 responds as follows: During a meeting between Apple and Samsung representatives on
10 September 9, 2010, Samsung listed the following Samsung Patents-in-Suit in a PowerPoint
11 presentation: U.S. Patent Nos. 6,928,604; 7,050,410; 7,069,055; 7,079,871; 7,200,792;
12 7,362,867; 7,386,001; 7,447,516; 7,577,460; and 7,675,941. The September 9, 2010 meeting
13 was held in Cupertino, California, and Chip Lutton, Tom Mavrakakis, and Mike Pieja attended
14 for Apple. The Samsung attendees at this meeting included Kwang Jun Kim. Apple became
15 aware of the following Samsung Patents-in-Suit on or before June 30, 2011, when Samsung filed
16 its Answer and Counterclaims in this action: U.S. Patent Nos. 7,456,893 and 7,698,711.

17 Apple further responds that in accordance with Federal Rule of Civil Procedure 33(d),
18 Apple has produced and/or will produce documents responsive to this Interrogatory, and that the
19 burden of ascertaining the answer to this Interrogatory from the produced business records is
20 substantially the same for Apple as for Samsung. Apple further designates, at this time,
21 documents bearing the Bates numbers APLNDC00000369-387 and APLNDC00000898-916,
22 from which information responsive to this Interrogatory may be ascertained.

23
24 Apple's investigation is ongoing and Apple reserves the right to supplement this response
25 as this litigation progresses.

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1 **Interrogatory No. 14**

2 Describe in detail the factual basis for every claim, affirmative defense and every
3 counterclaim APPLE has asserted or will assert in this lawsuit.

4 **Response to Interrogatory No. 14**

5 Apple objects to this Interrogatory on the grounds that it is overbroad, undue
6 burdensome, and not reasonably calculated to lead to this discovery of admissible evidence.
7 Apple objects to this Interrogatory as it contains subparts that each should count as a separate
8 Interrogatory. Apple further objects to this Interrogatory, to the extent it requests a complete
9 articulation of the factual basis for all its claims in this case, on the grounds that it: (a) conflicts
10 with the schedule entered by the Court, (b) conflicts with the obligations imposed by the Federal
11 Rules of Civil Procedure, the Civil Local Rules and/or the Patent Local Rules of this Court,
12 and/or any other applicable rule; (c) seeks information that is the subject of expert testimony; (d)
13 seeks information and/or responses that are dependent on the Court's construction of the asserted
14 claims of the patents-in-suit; or (e) seeks information and/or responses that are dependent on
15 depositions and documents that have not been taken or produced. Moreover, the Court's Local
16 Rules and the schedule entered by the Court do not contemplate the disclosure of claim
17 construction positions or expert opinions at this time.

18
19 Apple further objects to this Interrogatory to the extent it requires information outside
20 Apple's possession, custody and control, including, for example, information concerning
21 components that Apple has purchased from third parties.

22 Subject to and without waiving the foregoing General and Specific Objections, Apple
23 responds as follows: Apple filed an amended complaint on June 16, 2011 which describes in
24 detail, based upon information then known to Apple, the factual bases for every claim that Apple
25 has asserted in this lawsuit. Apple also filed an Answer to Samsung's Counterclaims and
26 Counterclaims in Reply on July 21, 2011 which describes in detail, based upon information then
27

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1 known to Apple, the factual bases for every affirmative defense and counterclaim that Apple has
2 asserted in this lawsuit.

3 Specifically, the factual bases for Apple’s claims of Federal False Designation of Origin
4 and Unfair Competition, and for California Unfair Business Practices are described in paragraphs
5 21-25, 27, 48-56, 80-88, 90-92, 95-97, 99, and 106 of Apple’s Amended Complaint.

6 The factual bases for Apple’s claims of Federal Trade Dress Infringement and Federal
7 Trade Dress Dilution are described in paragraphs 14-16, 18-21, 23-24, 30-68, 80-84, 87, 95-97,
8 99-102 of Apple’s Amended Complaint.

9 The factual bases for Apple’s claims of Federal Trademark Infringement and Common
10 Law Trademark Infringement are described in paragraphs 13-16, 18-21, 23-24, 69-78, 104-105
11 of Apple’s Amended Complaint.

12 The factual bases for Apple’s claims of infringement of the ‘D790, ‘D334, ‘D305, ‘D677,
13 ‘D889, ‘D087, ‘D270 patents are supported by paragraph 29 of Apple’s Amended Complaint.

14 The factual bases for Apple’s claims of infringement of the ‘002, ‘381, ‘607, ‘828, ‘915,
15 ‘891, ‘163, and ‘129 patents are described in paragraphs 26-28, and 94 of Apple’s Amended
16 Complaint.

17 Additionally, in accordance with Federal Rule of Civil Procedure 33(d), Apple refers to
18 the following documents because the burden of deriving or ascertaining the answer to this
19 Interrogatory from the produced business records is substantially the same for Apple as for
20 Samsung: Apple’s claim charts for the ‘002, ‘381, ‘607, ‘828, ‘915, ‘891, ‘163, and ‘129 patents
21 that Apple served on Samsung on August 26, 2011 pursuant to the Northern District of
22 California’s Patent Local Rules.

23 To the extent this Interrogatory seeks the identification of the factual basis for Apple’s
24 affirmative defenses and counterclaims that the Samsung Patents-in-Suit are invalid, Apple will
25 make those disclosures in accordance with the schedule set by the Court. To the extent this
26 Interrogatory seeks the identification of the factual basis for Apple’s affirmative defenses and
27

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1 counterclaims of non-infringement, Apple incorporates by reference its response to Interrogatory
2 No. 12. To the extent this Interrogatory seeks an identification of the factual basis for Apple's
3 remaining affirmative defenses and counterclaims, including its claims that Samsung has
4 engaged in anticompetitive conduct and unlawful business acts and practices as a result of, inter
5 alia, its failure to offer Apple a license to Samsung's claimed standards-essential patents on fair,
6 reasonable and non-discriminatory (FRAND) terms notwithstanding Samsung's FRAND
7 commitments, those facts are described at paragraphs 1-4 and 14-90 of Apple's Counterclaims in
8 Reply, which are incorporated herein by reference.

9
10 Apple's investigation is ongoing and Apple reserves the right to supplement this response
11 as this litigation progresses.

12 **Supplemental Response to Interrogatory No. 14**

13 Subject to and without waiving the foregoing General and Specific Objections, Apple
14 responds as follows: Apple filed its Amended Answer, Defenses and Counterclaims in Reply to
15 Samsung's Counterclaims ("Amended Counterclaims") on November 8, 2011. Apple's
16 Amended Counterclaims describes in detail, based upon information then known to Apple, the
17 factual bases for every affirmative defense and counterclaim that Apple has asserted in this
18 lawsuit.

19 To the extent this Interrogatory seeks an identification of the factual basis for Apple's
20 remaining affirmative defenses and counterclaims, including its claims that Samsung has
21 engaged in anticompetitive conduct and unlawful business acts and practices in violation of
22 Section 2 of the Sherman Act and Cal. Bus. & Prof. Code § 17200 as a result of, inter alia, its
23 failure to timely disclose the patents it claims are essential to 3GPP and ETSI and its failure to
24 offer Apple a license to Samsung's claimed standards-essential patents on fair, reasonable and
25 non-discriminatory (FRAND) terms notwithstanding Samsung's FRAND commitments, those
26 facts are described at paragraphs 1-6 and 16-106 of Apple's Amended Counterclaims, which are
27 incorporated herein by reference. To the extent this Interrogatory seeks an identification of the

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1 factual basis for Apple’s claims that Samsung has breached its contractual commitments to (and
2 is estopped from renegeing on those promises to) ETSI, ETSI’s members, and designers and
3 sellers of products that implement the UMTS standard by claiming infringement and seeking to
4 enjoin Apple from practicing the UMTS standard, those facts are described at paragraphs 1-6 and
5 16-89 of Apple’s Amended Counterclaims, which are incorporated herein by reference.

6 To the extent this Interrogatory seeks the identification of the factual basis for Apple’s
7 affirmative defenses and counterclaims that the Samsung Patents-in-Suit are invalid, Apple
8 incorporates by reference the invalidity contentions that it served on Samsung on October 7,
9 2011 pursuant to the Northern District of California’s Patent Local Rules.

10 Apple’s investigation is ongoing and Apple reserves the right to supplement this response
11 as this litigation progresses.

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1 Dated: March 7, 2012

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20 Counterclaim-Defendant Apple Inc.

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CERTIFICATE OF SERVICE

1
2 The undersigned hereby certifies that a true and correct copy of the above and foregoing
3 document has been served on March 7, 2012 by electronic mail upon the following:
4

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