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Attorneys for Plaintiff and
Counterclaim-Defendant APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., a
Korean corporation; SAMSUNG
ELECTRONICS AMERICA, INC., a New
York corporation; and SAMSUNG
TELECOMMUNICATIONS AMERICA,
LLC, a Delaware limited liability company,

Defendants.

Case No. 11-cv-01846-LHK

**APPLE'S SUPPLEMENTAL
STATEMENT CONCERNING
SAMSUNG'S MOTION TO COMPEL**

Date: November 1, 2011
Time: 3:00 p.m.
Place: Courtroom 5
Judge: Hon. Paul S. Grewal

1 On October 28, 2011, Samsung moved to compel production of certain physical models
2 and photographs that it believed were in Apple's possession. The motion was argued on
3 November 1. This Supplement updates the Court on recent events.

4 By the time the motion was filed, Apple had made 27 physical objects and models
5 available to Samsung's counsel. After the motion was filed but before it was argued, Apple made
6 15 additional models available to Samsung's counsel. One issue regarding the models remained –
7 whether one of them matched photographs submitted during prosecution of the United States
8 Design Patent Number 504,889. As of the hearing, Apple was unable to answer that question.

9 Apple continued to work on that question during the remainder of the week. By Friday
10 morning, November 4, 2011, Apple had verified that one of the recently located models was the
11 item depicted in the photographs. That morning, Apple informed Samsung that it would stipulate
12 to this fact and has specifically identified the item using a model number. That same day, Apple
13 industrial designer Chris Stringer confirmed this identification in his deposition.

14 As for the photographs, Apple has produced the best images it has been able to locate.
15 Apple did so after searches of files and locations in Apple's control, of files and locations in the
16 control of Sterne Kessler, and of files and locations in the control of the Beyer law firm. (Apple
17 also obtained the best copies available from the Patent Office.) Collectively, these searches
18 reflect all the attorneys or individuals that were involved in the prosecution of the D'889 patent or
19 who had possession of the prosecution file. Apple does not know where else to look, but is, of
20 course, willing to search other locations that Samsung's attorneys reasonably believe would
21 contain the images.

22 Apple submits that the foregoing moots Samsung's motion.

23 Dated: November 7, 2011

MORRISON & FOERSTER LLP

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25 By: /s/ Michael A. Jacobs
MICHAEL A. JACOBS

26 Attorneys for Plaintiff
27 APPLE INC
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