

EXHIBIT 2

WRITER'S INTERNET ADDRESS
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December 6, 2011

VIA ELECTRONIC MAIL

Mia Mazza
Morrison & Foerster
425 Market Street
San Francisco, CA 94105-2482

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

Dear Mia:

I write in response to your letter dated December 5, 2011 concerning Apple's stated intention to file a motion to compel unless Samsung "substantially completes" production of several broad categories of documents in less than two weeks.

Apple lacks any basis for its contention that discovery motions are necessary at this juncture, given Samsung's significant commitments to providing Apple with the documents it needs to proceed with its claims and defenses in this case. We have agreed to produce the three categories of documents that Apple requests, subject to Samsung's written objections. We have agreed to prioritize the requested documents in our collection and review efforts and to expedite production of these documents. We have agreed to make our best efforts to substantially complete production of the requested documents before Apple's arbitrary deadline of December 15, 2011. Your letter fails to articulate why these commitments are not "sufficiently firm . . . as to either scope or accountability." With regard to the written report described in your letter, we have already committed to proceed in a transparent and cooperative manner. We have agreed to disclose the custodians we search and the search terms we use, as we have done previously. We have agreed to consider reasonable requests by Apple to search additional custodians or apply

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additional search terms—as we are doing now, with respect to the term “Apple” and related terms. We have agreed to address any specific questions or concerns relating to our search methods, such as those raised in Sam Maselli’s December 2, 2011, letter. Apple has no basis to suggest that these commitments are inadequate, and indeed, they are not. Nor has Apple committed to doing anything more itself.

Apple’s demands are particularly troublesome in light of Apple’s repeated refusal “to justify its reasons for needing certain categories of documents on an expedited basis.” Your letter makes no attempt to do so other than simply parroting statements that have already been discredited.

For example, Samsung has satisfied its obligation under Patent Local Rule 3-4(a) to produce source code and other documents sufficient to show the operation of product features that Apple charted in its infringement contentions. Samsung rejects Apple’s contention that all of the documents identified in Wes Overson’s November 28, 2011 letter—including “requests for quotation,” “bills of materials,” documents concerning non-infringing alternative designs, and design changes that Samsung has or will make in response to this lawsuit—are necessary to show the operation of the allegedly infringing product features. We note also that Patent Local Rule 3-4(a) applies equally to Apple, yet during our weekly meet and confer call, counsel for Apple stated only that it was “prepared” to produce some unspecified amount of source code at some point in the indeterminate future. Further, Apple again asserts that “some” of the source code and technical documents are needed for claim construction, despite the well-established legal authority that such information is irrelevant for such purposes. Apple has neither cited any legal authority in support of its position nor made any attempt to distinguish the authority cited by Samsung.

Further, Samsung fails to see any basis for Apple’s contention that consumer survey documents are relevant to the depositions of individuals who are not responsible for marketing the Samsung accused products, nor has Apple identified any other credible basis for demanding their immediate production. Finally, Apple has no basis for claiming that documents responsive to the “Apple” search term must be produced in the next eight days with respect to dozens of employees. Not one of these depositions is even calendared.

To be clear, as we have already stated, Samsung will make its best efforts to substantially complete its production of these three categories of documents by December 15, or in any event by the Winter Holidays. Unless you tell us otherwise within the next 48 hours, we will presume that Apple will provide a reciprocal production by this same deadline. If Apple insists on filing a baseless motion to compel seeking documents Samsung has already agreed to timely produce—and is in the midst of producing right now—Samsung will ask Judge Grewal to order Apple to make a reciprocal production by the same date.

Mia Mazza
December 6, 2011

Very truly yours,

/s/

Rachel Herrick Kassabian
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