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Attorneys for Plaintiff and  
 Counterclaim-Defendant Apple Inc.

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

13 APPLE INC., a California corporation,  
 14  
 Plaintiff,  
 15  
 vs.  
 16 SAMSUNG ELECTRONICS CO., LTD., a  
 17 Korean business entity, SAMSUNG  
 18 ELECTRONICS AMERICA, INC., a New  
 19 York corporation, and SAMSUNG  
 TELECOMMUNICATIONS AMERICA,  
 LLC, a Delaware limited liability company,  
 20  
 Defendants.

Civil Action No. 11-CV-01846-LHK

**DECLARATION OF MARK D. SELWYN  
 IN SUPPORT OF PLAINTIFF AND  
 COUNTERCLAIM-DEFENDANT APPLE  
 INC.'S OPPOSITION TO SAMSUNG'S  
 MOTION TO DISMISS APPLE'S  
 COUNTERCLAIMS**

21 SAMSUNG ELECTRONICS CO., LTD., a  
 22 Korean business entity, SAMSUNG  
 23 ELECTRONICS AMERICA, INC., a New  
 24 York corporation, and SAMSUNG  
 TELECOMMUNICATIONS AMERICA,  
 LLC, a Delaware limited liability company,  
 25  
 Counterclaim-Plaintiffs,  
 26  
 v.  
 27 APPLE INC., a California corporation,  
 28  
 Counterclaim-Defendant.

1 I, Mark D. Selwyn, hereby declare as follows:

2 1. I am a partner at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP,  
3 counsel for Apple Inc. (“Apple”) in the above-entitled action. I am licensed to practice law in  
4 the State of California, the Commonwealth of Massachusetts, and the State of New York, and am  
5 admitted to practice before the U.S. District Court for the Northern District of California. I am  
6 familiar with the facts set forth herein, and, if called as a witness, I could and would testify  
7 competently to those facts under oath.

8 2. Samsung and Apple have been litigating French contract law issues regarding the  
9 European Telecommunications Standards Institute Intellectual Property Rights Policy (“ETSI  
10 IPR Policy”) and Samsung’s obligations under that policy in numerous countries, including at  
11 least Australia, France, Italy, Japan, Korea, and the Netherlands.

12 3. Attached as Exhibit A is a true and correct copy of a redacted version provided by  
13 counsel for Samsung of Samsung’s Re-Amended Defence and Counterclaim, served on March  
14 15, 2007 in *Telefonaktiebolaget LM Ericsson v. Samsung Electronics UK Ltd.*, HC06 C00618  
15 (High Court of Justice, Chancery Division, Patents Court).

16 4. Attached as Exhibit B is a true and correct copy of Broadcom Corp.’s First  
17 Amended Complaint, filed on September 19, 2005 in *Broadcom Corp. v. Qualcomm Inc.*, No.  
18 05-cv-03350 (D.N.J.).

19 5. Attached as Exhibit C is a true and correct copy of Research in Motion Ltd.’s  
20 Complaint, filed on February 16, 2008 in *Research in Motion Ltd. v. Motorola, Inc.*, No. 08-cv-  
21 0284 (N.D. Tex.).

22 6. Attached as Exhibit D is a true and correct copy of Apple Inc.’s First Amended  
23 Answer, Defenses, and Counterclaims, filed on February 19, 2010 in *Nokia Corp. v. Apple Inc.*,  
24 No. 09-cv-791 (D. Del.).

25 7. Attached as Exhibit E is a true and correct copy of the Transcript of Hearing, held  
26 on June 3, 2010 in *Nokia Corp. v. Apple Inc.*, No. 09-cv-791 (D. Del.).

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1           8. Attached as Exhibit F is a true and correct copy of the “Brief of Amici Curiae  
2 Nvidia Corporation, Micron Technology, Inc., Samsung Electronics Corporation, Ltd., and  
3 Hynix Semiconductor, Inc., on the Issue of the Appropriate Remedy for Rambus’s Violations of  
4 the FTC Act,” submitted on September 15, 2006 in *In the Matter of Rambus Inc.*, Docket No.  
5 9302 (F.T.C.).

6           9. Attached as Exhibit G is a true and correct copy of Samsung Electronics Co.,  
7 Ltd.’s First Amended Complaint, filed on September 14, 2007 in *Samsung Electronics Co., Ltd.*  
8 *v. InterDigital Communications Corporation*, No. 07-cv-167 (D. Del.).

9           10. Attached as Exhibit H is a true and correct excerpt of the Hearing Transcript of  
10 the hearing held on July 14, 2008 in *In the Matter of Certain 3G Wideband Code Division*  
11 *Multiple Access (WCDMA) Mobile Handsets and Components Thereof*, Investigation No. 337-  
12 TA-601 (I.T.C.).

13           11. Attached as Exhibit I is a true and correct copy of the Statement From Laëtitia  
14 Benard, *Avocat a la Cour*, dated September 12, 2011 and submitted in *Samsung Electronics Co.,*  
15 *Ltd. et al. v. Apple Inc. et al.* (District Court of the Hague, Netherlands).

16           12. Attached as Exhibit J is a true and correct copy of the ETSI IPR Policy adopted in  
17 November, 1997.

18  
19           I declare under penalty of perjury that the foregoing is true and correct to the best of my  
20 knowledge. Executed on this 20th day of December, 2011, in Palo Alto, California.

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23 Dated: December 20, 2011

24   /s/ Mark. D Selwyn

25   Mark D. Selwyn

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served on December 20, 2011 to all counsel of record who are deemed to have consented to electronic service per Civil Local Rule 5.4.

/s/ Mark. D Selwyn \_\_\_\_\_  
Mark D. Selwyn