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Attorneys for Plaintiff and  
 Counterclaim-Defendant Apple Inc.

11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**  
 13 **SAN JOSE DIVISION**

14 APPLE INC., a California corporation,  
 15 Plaintiff,

16 vs.

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

20 Defendants.

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

24 Counterclaim-Plaintiffs,

25 v.

26 APPLE INC., a California corporation,  
 27 Counterclaim-Defendant.  
 28

Civil Action No. 11-CV-01846-LHK

**DECLARATION OF MARK D. SELWYN  
 IN SUPPORT OF APPLE'S MOTION TO  
 SHORTEN TIME**

Hearing: TBD  
 Time: TBD

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

2 1. I am a partner with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP  
3 and counsel for plaintiff and counterclaim-defendant Apple Inc. I submit this declaration in  
4 support of Apple's Motion to Shorten Time for Briefing and Hearing on Apple's Motion to  
5 Strike Evidence Not Disclosed as Required by Patent Local Rule 4-3(b). I am familiar with and  
6 knowledgeable about the facts stated in this declaration, and if called upon could and would  
7 testify competently as to the statements made herein.

8 2. Apple's Motion to Strike seeks to strike late-disclosed evidence submitted by  
9 Samsung in support of its proposed claim constructions. The claim construction hearing is  
10 scheduled for January 20, 2012.

11 3. On December 5, 2011, Apple sent Samsung a letter requesting that Samsung (1)  
12 withdraw its late-disclosed evidence and the portions of Samsung's expert declaration that relied  
13 upon that evidence and (2) confirm that it would not rely upon that evidence in its upcoming  
14 *Markman* briefing. Samsung did not respond to this letter. Samsung relies upon and cites to the  
15 expert declaration and the late-disclosed evidence in its Opening Claim Construction Brief.

16 3. Counsel for Apple contacted Samsung's counsel by email on the evening of  
17 December 21, 2011 to request that Samsung stipulate to a shortened briefing and hearing  
18 schedule on Apple's Motion to Strike. Samsung's counsel has not responded to this request.

19 4. Apple's request to shorten time for briefing and hearing on Apple's Motion to  
20 Strike will not have any effect on the schedule in this case.

21 I hereby declare under penalty of perjury under the laws of the United States that the  
22 foregoing is true and correct to the best of my knowledge and belief.

23 Dated: December 22, 2011 /s/ Mark D. Selwyn  
24 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 22, 2011 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

/s/ Mark. D Selwyn  
Mark D. Selwyn