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14 Attorneys for SAMSUNG ELECTRONICS CO.,

LTD., SAMSUNG ELECTRONICS AMERICA,

15 INC. and SAMSUNG

TELECOMMUNICATIONS AMERICA, LLC

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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

19

20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

23 SAMSUNG ELECTRONICS CO., LTD., a

Korean business entity; SAMSUNG

24 ELECTRONICS AMERICA, INC., a New

York corporation; SAMSUNG

25 TELECOMMUNICATIONS AMERICA,

LLC, a Delaware limited liability company,

26

Defendant.

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CASE NO. 11-cv-01846-LHK

**DECLARATION OF DIANE C. HUTNYAN IN SUPPORT OF SAMSUNG'S RENEWED MOTION TO COMPEL PRODUCTION OF MAC OS 10.0**

Date: January 2012

Time: 10:00 am.

Place: Courtroom 5, 4<sup>th</sup> Floor

Judge: Hon. Paul S. Grewal

**[PROPOSED] PUBLIC REDACTED VERSION**

1 I, Diane C. Hutnyan, declare:

2 1. I am a partner in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,  
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung  
4 Telecommunications America, LLC (collectively, "Samsung") in this action. Unless otherwise  
5 indicated, I have personal knowledge of the facts set forth in this declaration and, if called upon as  
6 a witness, I could and would testify as follows.

7 2. Attached as **Exhibit A** is a true and correct excerpt of the Deposition of Bas  
8 Ording, at 149:17-24.

9 3. Attached as **Exhibit B** is a true and correct copy of a letter sent from M. Ducca to  
10 M. Mazza on 11-01-11.

11 4. Attached as **Exhibit C** is a true and correct copy of a letter from M. Ducca to M.  
12 Mazza on 11-08-1; a true and correct copy of a letter from R. Kassabian to J. Bartlett on 11-08-11;  
13 a true and correct copy of a letter from M. Mazza to M. Ducca, 11-10-11; a true and correct copy  
14 of a letter from M. Mazza to R. Kassabian, 12-05-11; a true and correct copy of a letter from R.  
15 Kassabian to J. Bartlett, 11-15-11; a true and correct copy of a letter from R. Kassabian to M.  
16 Mazza, 11-20-11; a true and correct copy of a letter from R. Kassabian to M. Mazza, 12-03-11.  
17 These letters detail Apple's changing positions, delay and ultimate refusal to produce relevant  
18 source code to Apple.

19 5. Attached as **Exhibit D** are true and correct excerpts of the transcript of the Court's  
20 hearing in this matter on December 16, 2011.

21 6. Attached as **Exhibit E** is a true and correct copy of a letter from M. Ducca to M.  
22 Mazza on 12-20-11.

23 7. Attached as **Exhibit F** is a true and correct copy of a letter from J. Bartlett to M.  
24 Ducca on 12-22-11.

25 8. Attached as **Exhibit G** is a true and correct copy of a letter from J. Bartlett to M.  
26 Ducca on 01-02-12.

27 9. On December 21, 2011, the parties held a meet and confer during which the parties  
28 discussed Apple's failure to production of a computer running Mac OS X 10.0 with a brightness

1 adjustment button. Apple agreed to investigate Samsung's concerns and produce the proper  
2 computer. Thus far they have not done so.

3  
4 DATED: January 10, 2012

Respectfully submitted,

5 QUINN EMANUEL URQUHART &  
6 SULLIVAN, LLP

7  
8 *By/s/ Diane C. Hutnyan*

9 Diane C. Hutnyan  
10 Attorneys for SAMSUNG ELECTRONICS CO.,  
11 LTD., SAMSUNG ELECTRONICS AMERICA,  
12 INC. and SAMSUNG  
13 TELECOMMUNICATIONS AMERICA, LLC  
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**GENERAL ORDER ATTESTATION**

I, Victoria F. Maroulis, am the ECF user whose ID and password are being used to file the foregoing **CERTIFICATE OF SERVICE**. In compliance with General Order 45 (X)(B), I hereby attest that Diane C. Hutnyan has concurred in this filing.

DATE: January 10, 2012

/s/ Victoria Maroulis