EXHIBIT E

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December 20, 2011

VIA ELECTRONIC MAIL

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

Re: Apple v. Samsung Electronics, et al., No. 5:11-cv-01846-LHK (N.D.Cal.)

Dear Mia:

I write in response to your December 15, 2011, letter producing certain source code and a computer for inspection. Attorneys from Samsung inspected the production on Tuesday, December 20. The production was deficient and its deficiencies are immediately prejudicial to Samsung.

First, the produced source code relating to Mac OS X v.10.0 was incomplete. No code was produced detailing the operation of timers, such as the NSTimer or NSDate classes. Such code is relevant evidence for claim construction, invalidity, and non-infringement of the '891 patent. Samsung's responsive claim construction brief is due on Thursday, and Apple's delay in producing the relevant Mac OS X v.10.0 source code, which only Apple possesses, is actively damaging Samsung's case. Please immediately produce the Mac OS X v.10.0 code in its entirety, including all code that relates to timers and timing.

Second, Apple did not produce documents sufficient to show when the code it produced became part of a commercial release or otherwise available to the public, which is critically relevant evidence for the invalidity of the '891 patent. Please immediately produce such documentation. Alternatively, let us know whether Apple will stipulate that the code produced for Mac OS X

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v.10.0 was in public use before July 10, 2001.

Third, the computer running Mac OS X v.10.0 was inadequate. Not only was the computer improperly set up and lacking connecting cables—forcing a Samsung attorney to visit an electronics store to purchase the proper equipment—but the computer lacked hardware-dedicated brightness adjustment buttons. Such buttons are necessary for the operating system to produce the brightness panel that closes without additional user input and is the subject of Samsung's motion to compel. In Rachel Herrick Kassabian's letter dated November 15, 2011, we provided identification of this specific function of the operating system. The pictures showed the fading of the brightness panel after a timer has expired. Apple was informed of this function, and the hardware required to activate it, yet deliberately chose to produce a computer that did not have the function.

Please produce immediately, on a computer in public use before July 10, 2001 that has a brightness adjustment button, (1) the source code and (2) running version of the software, as we have repeatedly requested. Alternatively, please let us know if Apple will agree to allow Samsung to load the software on such a machine that Apple will stipulate was in public use (with the source code) before July 10, 2001.

Apple represented at the hearing on Samsung's motion to compel that its production of the source code and working copy was complete and based on that representation, Samsung told Judge Grewal that he did not need to address the issue. Now it is apparent that the production was not at all complete, and much of the most significant information is inexplicably missing. If this matter is not resolved in full by tomorrow, Samsung will bring the matter to the attention of Judge Grewal and will seek sanctions for Apple's misconduct.

Best regards,

/s/ Marissa R. Ducca

Marissa R. Ducca

MRD