

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

2 charlesverhoeven@quinnemanuel.com

50 California Street, 22nd Floor

3 San Francisco, California 94111

Telephone: (415) 875-6600

4 Facsimile: (415) 875-6700

5 Kevin P.B. Johnson (Bar No. 177129)

kevinjohnson@quinnemanuel.com

6 Victoria F. Maroulis (Bar No. 202603)

victoriamaroulis@quinnemanuel.com

7 555 Twin Dolphin Drive, 5th Floor

Redwood Shores, California 94065-2139

8 Telephone: (650) 801-5000

Facsimile: (650) 801-5100

9
10 Michael T. Zeller (Bar No. 196417)

michaelzeller@quinnemanuel.com

11 865 S. Figueroa St., 10th Floor

Los Angeles, California 90017

12 Telephone: (213) 443-3000

Facsimile: (213) 443-3100

13
14 Attorneys for SAMSUNG ELECTRONICS CO.,

LTD., SAMSUNG ELECTRONICS AMERICA,

15 INC. and SAMSUNG

TELECOMMUNICATIONS AMERICA, LLC

16
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.

CASE NO. 11-cv-01846-LHK

27 **DECLARATION OF DIANE C.
HUTNYAN IN SUPPORT OF
SAMSUNG'S MOTION TO ENFORCE
COURT ORDERS**

Date: January 18, 2012

Time: 2:00 p.m.

Place: Courtroom 5, 4th 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 copy of a letter from M. Mazza to D.
8 Hutnyan on 12-24-11.

9 3. Attached as **Exhibit B** is a true and correct copy of Samsung's Requests for
10 Production of Documents and Things Relating to Apple Inc.'s Motion for a Preliminary Injunction,
11 Request No.1.

12 4. Attached as **Exhibit C** is a true and correct excerpt of the December 1, 2011
13 Deposition of Jonathan Ive at 21:4-28:25.

14 5. Attached as **Exhibit D** is a true and correct copy of a letter from J. Bartlett to D.
15 Hutnyan on 1-5-12.

16 6. Attached as **Exhibit E** is a true and correct copy of a letter from M. Mazza to C.
17 Verhoeven on 1-7-12

18 7. Attached as **Exhibit F** is a true and correct copy of a letter from J. Bartlett to D.
19 Hutnyan on 1-7-12.

20 8. Attached as **Exhibit G** are true and correct copies of the photographs taken by
21 Samsung of the 035 Tablet Mockup, Bates Range APLNDC-X0000006115-6129).

22 9. Attached as **Exhibit H** is a true and correct copy of a letter from J. Bartlett to R.
23 Kassabian on 11-28-11.

24 10. Attached as **Exhibit I** is a true and correct excerpt of the January 6, 2012
25 Deposition of Tracy Durkin at 103:16 – 104:5.
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

11. On January 5, 2012, I attended the Lead Counsel Meet and Confer in this action. At this meeting Apple said that the redactions of the design investor sketchbooks already produced to Samsung had been made by Apple's outside counsel and not by its design inventors.

12. Quinn Emanuel Urquhart & Sullivan attorneys were unsuccessful at reviewing Apple's 035 CAD files at its escrow facility. Apple admitted that the 035 CAD files were not visible at the escrow facility, it promised to send .pdf files to Quinn Emanuel Urquhart & Sullivan instead. After 10:00 p.m. on Saturday, January 7, 2012, some .pdfs were produced, but without any filepath or metadata information.

13. As of the time of this declaration, counsel for Apple has not informed that any photographs of the 035 Tablet have been de-designated as confidential.

14. Counsel for Apple has informed me that it refuses to de-designate several photos of the 035 Tablet on the basis that the measures of scale that appear on the photographs constitute proprietary information about the size of the mockup. Apple has admitted that the images of the device itself do not otherwise display proprietary information.

15. At parties' lead counsel meet and confer, the parties discussed Apple's position on these topics. With regard to design inventor sketchbooks, Apple confirmed that it would not produce design inventor sketchbooks prior to January 1, 2003. As for MCOs, CAD drawings, working prototypes, and physical models, Apple did not agree to produce all relevant documents and things, and further refused to provide a date certain for production of working prototypes. Apple also reiterated that it would not produce any partial prototypes, or pieces or prototypes. Finally, Apple refused to de-designate all photos of the 035 tablet mockup beyond what has been produced to the PTO.

1 DATED: January 10, 2012

Respectfully submitted,

2 QUINN EMANUEL URQUHART &
3 SULLIVAN, LLP

4
5 By/s/ *Diane C. Hutnyan*

6 Diane C. Hutnyan

7 Attorneys for SAMSUNG ELECTRONICS CO.,
8 LTD., SAMSUNG ELECTRONICS AMERICA,
9 INC. and SAMSUNG
10 TELECOMMUNICATIONS AMERICA, LLC
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28