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 CO., LTD., SAMSUNG ELECTRONICS
 14 AMERICA, INC. and SAMSUNG
 TELECOMMUNICATIONS AMERICA, LLC
 15

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18 APPLE INC., a California corporation,

19 Plaintiff,

20 vs.

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

24 Defendants.

CASE NO. 11-cv-01846-LHK

**DECLARATION OF BRETT ARNOLD IN
 SUPPORT OF SAMSUNG'S MOTION
 FOR CLARIFICATION REGARDING
 THE COURT'S DECEMBER 22, 2011
 ORDER (DKT NO. 535)**

Date: January 18, 2012
 Time: 2:00 pm
 Place: Courtroom 5, 4th Floor
 Magistrate Judge Paul S. Grewal

**[PROPOSED] PUBLIC REDACTED
 VERSION**

1 I, Brett Arnold, declare:

2 1. I am an associate 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"). I have personal knowledge of
5 the facts set forth in this declaration and, if called upon as a witness, I could and would testify as
6 follows.

7 2. On September 20, 2011, during preliminary injunction discovery, counsel for the
8 parties conducted a meet and confer in which Samsung offered a compromise that would allow
9 Mr. Sherman to see CAD files, inventor notebooks, the deposition transcript of Christopher
10 Stringer (who was the only design inventor to have been deposed by that time), and Apple's
11 presentations showing that certain design features are functional. Apple rejected this
12 compromise.

13 3. On January 5, 2012, lead trial counsel met and conferred. I am informed that at
14 the meeting, counsel for Samsung indicated that it would like to show Mr. Sherman several
15 additional categories of design documents. Counsel for Apple indicated that it would consider
16 the categories that Samsung would provide. On January 10, 2012, counsel for Apple indicated
17 without explanation that Apple would limit Mr. Sherman's access to the categories identified in
18 Magistrate Judge Grewal's order. I immediately inquired as to Apple's reasons for this decision.
19 As of the time of filing, counsel for Apple had not responded.

20 4. On January 5, 2012, Apple stated in a letter that it had "thousands" of models and
21 parts relating to its products that it would make available for inspection.

22 5. On December 24, 2011, Apple confirmed in a letter from its counsel to counsel for
23 Samsung that it was running a number of basic design search terms through its designers' emails
24 and files, and was beginning to produce the results on a rolling basis. By agreement between the
25 parties, these documents were due to be produced prior to the depositions of Apple's designers
26 back in October 2011. Even now, the parties continue to negotiate over the terms and delimiters
27 Apple is using on many of these design search terms.

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[REDACTED]

I declare under penalty of perjury that the foregoing is true and correct. Executed in Redwood Shores, California on January 10, 2012.

/s/ Brett Arnold

1 **GENERAL ORDER ATTESTATION**

2 I, Victoria Maroulis, am the ECF user whose ID and password are being used to file the
3 foregoing document. I hereby attest pursuant to General Order 45.X.B. that concurrence in the
4 electronic filing of this document has been obtained from Brett Arnold.

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6 /s/ Victoria Maroulis
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