

EXHIBIT 4
REDACTED VERSION

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May Contain Confidential Information

VIA ELECTRONIC MAIL

Jason Bartlett
Morrison & Foerster
425 Market Street
San Francisco, California 94105-2482

Re: Apple Inc. v. Samsung Electronics Co. Ltd., Case No. 11-CV-01846-LHK (N.D. Cal)

Dear Jason,

We have now conducted several inventor depositions, and it is apparent that Apple is not taking its discovery responsibilities seriously.

First, it appears that custodian interviews have not been conducted with each and every inventor (see, e.g., LeMay dep. at 178:7-22). This is a basic necessity to confirm that Apple is producing all relevant documents in their possession, custody, or control, and should have been conducted long before their depositions. Please confirm that Apple will conduct such interviews and produce all relevant documents found as a result of the interviews.

Next, it is apparent that Apple did not thoroughly search nor produce documents related to the patents it asserts against Samsung. Below is a sampling of the deficiencies we have identified. Please be prepared to discuss these, and Apple's inventor productions generally on tomorrow's meet and confer.

quinn emanuel urquhart & sullivan, llp

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Deposition of Stephen LeMay

Apple produced less than five documents from Stephen LeMay. This is not surprising considering that, though he received a document retention notice, Mr. LeMay did not search for documents (111:12-19), he did not search his emails (113:5-114:1), and he did not search the REDACTED server where he stores documents (119:17-21). Mr. LeMay's emails, documents and documents stored on the server are relevant to this litigation. As Apple asserted the '163 patent against Samsung, Apple should have produced these documents.

Furthermore, Mr. LeMay testified that at some point, a document collection company took an image of his hard drive. Therefore, relevant communications and emails are in the possession of Apple's legal department or Morrison and Foerster. Please produce all documents on Mr. LeMay's hard drive from the 2005-2007 timeframe, including any documents related to Mr. LeMay's work on the Safari project immediately.

Deposition of John Elias

Mr. Elias identified many documents that have not been produced. Below is a sampling of these documents:

- REDACTED (80:11-84:20)
- REDACTED (90:17-93:24)
- REDACTED (112:1-118:20)
- REDACTED (149:3-15:13).

Mr. Elias testified that he provided all of these documents to Apple's legal department. Samsung has not identified these documents. Please provide the Bates numbers, or produce the documents immediately.

In addition to the documents Mr. Elias provided to Apple, he also testified that he has a set of documents related to the '828 patent. He also testified regarding a set of emails that was provided to Apple in conjunction with the Quantum case. Please produce these immediately. Please also produce any documents on Mr. Elias' old computer, that was collected by Apple legal.

Deposition of Imran Chaudhri

Mr. Chaudhri is listed as an inventor on five Apple patents. Yet, his production is sorely lacking. The following documents identified by Mr. Chaudhri have not been produced:

- Mr. Chaudhri's previous deposition transcripts (5:14-7:6)¹
- REDACTED (16:5-18:7)
- All files that Mr. Chaudhri produced or made available to Apple's counsel (19:19-19:25)
- Documents sufficient to show the date of release of Mac OS X (39:20-39:21)
- All documents, including but not limited to source code, showing (a) the development of the user interface of Mac OS X; and (b) any other documents relating to the '891 patent's implementation in Mac OS X (60:20-61:18).
- REDACTED (145:25 – 147:3).
- Presentations of icons and layouts presented at the design team's regular weekly meetings, and any emails that include those presentations (243:13-245:7).

All we received for Mr. Chaudhri's production were several dozen emails that were irrelevant to the patents he invented. And almost none of them were from the time when Mr. Chaudhri is claimed to have invented the patents. There were also no files produced that show drafts of any icons, layouts, or any other design features found in the D334, D305, or D790 patents. For example, we received no Photoshop or Illustrator files and no presentations used in design review meetings. Indeed, it appears that the only type of document reviewed was email, and that review appears to be deficient.

¹ Apple has failed to produce many of the inventors' previous deposition transcripts.

Deposition of Freddy Anzures

Mr. Anzures is listed as an inventor on the D305 patent, yet his production included no documents showing images or drafts of the icons, screen layout, or other design features depicted in that patent. Like Mr. Chaudhri's production, Mr. Anzures' documents consisted of several dozen irrelevant emails, none of which predated the application date for the D305 patent — June 23, 2007. REDACTED

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Given the deficient document production for Mr. Anzures, it appears that Apple has failed to attempt any reasonable search for documents, emails, presentations, or any other files relevant to Mr. Anzures' work on the D305 patent, either on his own computer or the Human Interface Server. It is not plausible that Apple conducted a reasonable review of Mr. Anzures' files and could not find a single sketch, rendering, draft, or image of any icon or other design feature created by Mr. Anzures during the time he is claimed to have invented the D305 patent.

Please produce these documents immediately. Samsung reserves the right to re-depose and/or seek any other relief from the Court as a result of Apple's failure to produce documents relevant to the claims Apple asserts against Samsung.

Best regards,

/s/ Marissa R. Ducca

Marissa R. Ducca

cc: Mark D. Selwyn, Esq.
Peter J. Kolovos, Esq.
Melissa N. Chan, Esq.

Rachel Herrick Kassabian, Esq.