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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.
25

CASE NO. 11-cv-01846-LHK

**DECLARATION OF JOHN M.
CARACAPPA IN SUPPORT OF
SAMSUNG'S REPLY BRIEF TO
SAMSUNG'S MOTION FOR LEAVE TO
AMEND INFRINGEMENT
CONTENTIONS**

1 I, John M. Caracappa, declare:

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

7
8 2. In *Certain Electronic Devices, Including Wireless Communication Devices,*
9 *Portable Music And Data Processing Devices, And Tablet Computers* (Inv. No. 337-TA-794),
10 ("the ITC action"), Samsung issued a subpoena to Qualcomm, Inc. on December 21, 2011 seeking
11 documents and depositions. In response to this subpoena, Qualcomm has made available for
12 inspection what it says is all relevant source code related to the Qualcomm baseband processor
13 used in the iPhone 4S. Samsung is inspecting this source code this week.

14
15 3. In the above ITC action, Apple has produced approximately 9,498 Qualcomm
16 related documents, many of which are specifically related to the Qualcomm baseband processor
17 used in the iPhone 4S. In addition, Apple has stated that it has a very limited number of
18 Qualcomm documents.

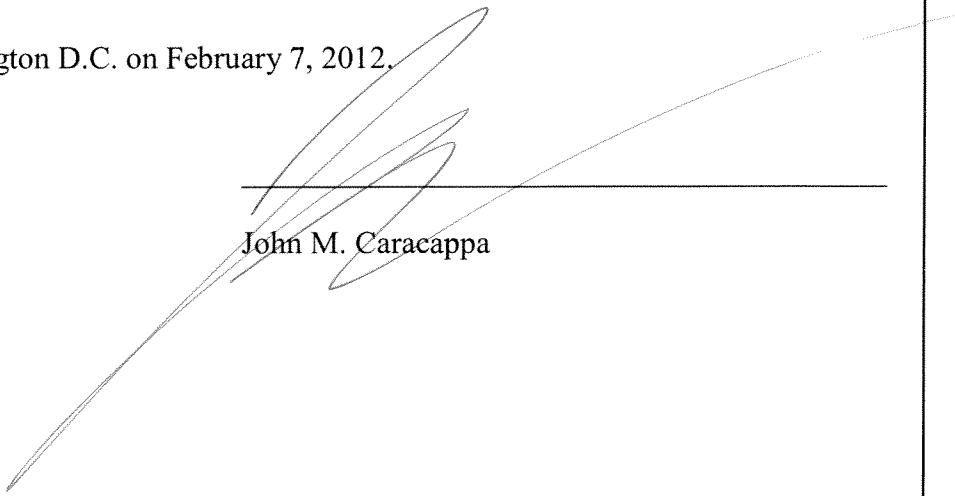
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20 4. In this case (Case No. 11-cv-01846-LHK pending before the Northern District of
21 California), in anticipation of adding iPhone 4S, Samsung issued a subpoena to Qualcomm, Inc.
22 on December 30, 2011 seeking documents and depositions. In response to this subpoena,
23 Qualcomm has agreed to produce relevant source code and documents under a stipulated
24 protective order that we plan to file with the Court this week.

25 I declare under penalty of perjury that the foregoing is true and correct to the best of my
26 knowledge.

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Executed in Washington D.C. on February 7, 2012.

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is slanted upwards from left to right and consists of several overlapping loops and strokes.

John M. Caracappa

