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13 Attorneys for SAMSUNG ELECTRONICS  
 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 TODD M. BRIGGS  
 IN SUPPORT OF SAMSUNG'S REPLY  
 BRIEF TO SAMSUNG'S MOTION FOR  
 LEAVE TO AMEND INFRINGEMENT  
 CONTENTIONS**

1 I, Todd M. Briggs, declare:

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

7  
8 2. Attached as Exhibit A is a true and correct copy of the October 13, 2011 order by  
9 the District Court for the Southern District of California granting Apple's motion under 28 U.S.C.  
10 § 1782 to serve a subpoena on Qualcomm for use in foreign proceedings.

11 3. Attached as Exhibit B is a true and correct copy of e-mail correspondence between  
12 Samsung and Apple.

13 4. On January 26, 2012, following the Court's order granting Samsung's motion to  
14 shorten time, counsel for Samsung sent an e-mail seeking to resume negotiations with Apple  
15 regarding supplemental infringement contentions by the parties.

16  
17 5. On January 29, 2012, Apple responded, agreeing to resume negotiations and  
18 seeking to add seven products to its infringement contentions: the Galaxy Nexus, the Galaxy S II  
19 Skyrocket, Galaxy S II Epic 4G, Galaxy Tab 7.0 Plus, Galaxy Tab 8.9, Gravity Smart and  
20 Showcase i500. Over the next several days, the parties negotiated regarding the details of these  
21 additional contentions.

22  
23 6. During the week of January 30, 2012, Apple informed Samsung that it was seeking  
24 to include the additional Samsung products for all purposes, including Apple's design patent,  
25 trademark and trade dress claims. This was the first time Apple stated that its amendments  
26 extended beyond amendments to the utility patent infringement contentions. Nevertheless,  
27

1 Samsung considered Apple’s request in the interest of reaching a negotiated agreement and to  
2 avoid burdening the Court.

3 7. On February 1, 2012, Apple introduced a provision that would restrict Samsung’s  
4 ability to re-take depositions based on the addition of new products. This was the first time that  
5 Apple mentioned this restriction on re-taking depositions. Samsung ultimately proposed that  
6 depositions could be re-taken for good cause, while Apple proposed an affirmative bar on re-  
7 taking any depositions.  
8

9 8. On February 3, 2012, the parties determined that they were at an impasse regarding  
10 the restrictions on re-taking depositions, and Apple filed its opposition to Samsung’s motion.  
11

12 I declare under penalty of perjury that the foregoing is true and correct. Executed in  
13 Redwood Shores, California on February 7, 2012.  
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15 */s/ Todd M. Briggs*

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**General Order 45 Attestation**

I, Victoria F. Maroulis, am the ECF user whose ID and password are being used to file this Declaration. In compliance with General Order 45(X)(B), I hereby attest that Todd Briggs has concurred in this filing.

*/s/ Victoria Maroulis*