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Attorneys for Plaintiff and  
 Counterclaim-Defendant APPLE INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

APPLE INC., a California corporation,  
 Plaintiff,  
 v.  
 SAMSUNG ELECTRONICS CO., LTD., a  
 Korean business entity; SAMSUNG  
 ELECTRONICS AMERICA, INC., a New York  
 corporation; SAMSUNG  
 TELECOMMUNICATIONS AMERICA, LLC, a  
 Delaware limited liability company,  
 Defendants.

Case No. 11-cv-01846-LHK

**DECLARATION OF  
 MARC J. PERNICK IN SUPPORT  
 OF APPLE'S OPPOSITION TO  
 SAMSUNG'S MOTION TO  
 PERMIT SAMSUNG'S EXPERT  
 SAMUEL LUCENTE TO  
 REVIEW MATERIALS  
 DESIGNATED UNDER THE  
 PROTECTIVE ORDER**

Date: March 6, 2012  
 Time: 10:00 a.m.  
 Place: Courtroom 5, 4th Floor  
 Judge: Hon. Paul S. Grewal

1 I, Marc J. Pernick, do hereby declare as follows:

2 1. I am a partner at the law firm of Morrison & Foerster LLP, attorneys of record in  
3 this action for Apple Inc. (“Apple”). I submit this declaration in support of Apple’s Opposition to  
4 Samsung’s Motion to Permit Samsung’s Expert Samuel Lucente to Review Materials Designated  
5 Under the Protective Order. Unless otherwise indicated, I have personal knowledge of the  
6 matters set forth below. If called as a witness, I could and would testify competently as follows.

7 2. To date, Defendants have disclosed approximately twenty experts to Apple. Apple  
8 has asserted objections under the protective order in place in this case to only three of those  
9 experts.

10 3. Attached as Exhibit 1 is a true and correct copy of email correspondence between  
11 counsel for Samsung and Apple between December 27, 2011 and January 8, 2012.

12 4. Attached as Exhibit 2 is a true and correct copy of a page from the Industrial  
13 Designers Society of America (IDSA) website (<http://idsa.org/sam-lucente>).

14 5. Attached as Exhibit 3 is a true and correct copy of email correspondence between  
15 counsel for Samsung and Apple between December 13 and December 20, 2011.

16 6. Attached as Exhibit 4 is a true and correct copy of a notification, obtained from the  
17 official website of the European Patent Office, dated February 2, 2001, concerning entry of  
18 international patent application number PCT/US00/10073 into proceedings before the European  
19 Patent Office as European patent application no. 00928177.5.

20 7. Attached as Exhibit 5 is a true and correct copy of international patent application  
21 number PCT/US00/10073, including European Patent Office publication EP 1 224 554 A0  
22 noticing publication of the application by the World Intellectual Property Organisation under the  
23 publication number WO 01/06375, obtained from the official website of the European Patent  
24 Office.

25 8. Attached as Exhibit 6 is a true and correct copy of a letter from Rachel Kassabian  
26 to Mia Mazza, dated January 25, 2012.

27 9. Attached as Exhibit 7 is a true and correct copy of a Hoover’s Quick Report on  
28 Lucente Design, processed on January 31, 2012.

1           10.     Attached as Exhibit 8 is a true and correct copy of a Dun & Bradstreet  
2 Comprehensive Report on Lucente Design, last updated on January 14, 2012.

3           11.     Attached as Exhibit 9 is a true and correct copy of a letter from Marc Pernick to  
4 Rachel Kassabian, dated February 5, 2012.

5           12.     Attached as Exhibit 10 is a true and correct copy of a letter from Mia Mazza to  
6 Melissa Chan, dated December 27, 2011.

7           13.     Attached as Exhibit 11 is a true and correct copy of a letter from Marc Pernick to  
8 Rachel Kassabian, dated January 27, 2012.

9           14.     Attached as Exhibit 12 is a true and correct copy of a letter from Marc Pernick to  
10 Rachel Kassabian, dated January 30, 2012.

11          15.     Attached as Exhibit 13 is a true and correct copy of a letter from Albert P.  
12 Bedecarré to Mia Mazza, dated February 12, 2012.

13           I declare under the penalty of perjury that the foregoing is true and correct.

14           Executed on February 13, 2012 at Palo Alto, California.

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/s/ Marc J. Pernick

Marc J. Pernick

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**ATTESTATION OF E-FILED SIGNATURE**

I, Richard S.J. Hung, 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 Marc J. Pernick has concurred in this filing.

Dated: February 13, 2012

/s/ Richard S.J. Hung  
Richard S.J. Hung