

EXHIBIT 2

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

25 Defendants.

CASE NO. 11-cv-01846-LHK

**DECLARATION OF DIANE C.
HUTNYAN IN SUPPORT OF
SAMSUNG'S MOTION TO COMPEL
PRODUCTION OF DOCUMENTS
RELATING TO APPLE'S EFFORTS TO
OBTAIN DESIGN PATENTS RELATED
TO THE PATENTS-IN-SUIT**

Date: April 10, 2012

Time: 10:00 a.m.

Place: Courtroom 5, 4th Floor

Judge: Hon. Paul S. Grewal

26 **FILED UNDER SEAL**
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1 I, Diane C. Hutnyan, declare:

2 1. I am a member of the bar of the State of California and am admitted to practice
3 before this Court. I am a partner at Quinn Emanuel Urquhart & Sullivan, LLP, counsel for
4 Samsung Electronics Co., Ltd., Samsung Electronics America, inc., and Samsung
5 Telecommunications America, LLC (collectively “Samsung”) in this action. I have personal
6 knowledge of the following facts, and would competently testify to them if called upon to do so.

7 2. On August 3, 2011, Samsung served its First Set of Requests for Production in this
8 matter. A true and correct copy of Samsung’s First Set of Requests for Production is attached
9 hereto as Exhibit A.

10 3. Request No. 81 asked for production of: “Prosecution histories of the APPLE IP,
11 including all PRIOR ART cited therein, patents related to the APPLE PATENTS-IN-SUIT, and
12 any foreign counterpart patents, registrations, or applications to the APPLE IP or patents related to
13 the APPLE PATENTS-IN-SUIT, including, without limitation, any reexamination and reissue
14 applications.”

15 4. Request No. Request 82 sought: “All DOCUMENTS and things relating to the
16 preparation, filing and/or prosecution of the APPLE IP, patents related to the APPLE PATENTS-
17 IN-SUIT, and any foreign counterpart patents or patent applications to the APPLE PATENTS-IN-
18 SUIT or patents related to the APPLE PATENTS-IN-SUIT, including, without limitation, any
19 reexamination and reissue applications.”

20 5. Request No. 97 sought: “All DOCUMENTS and COMMUNICATIONS
21 concerning the patentability, novelty, scope, infringement, validity, invalidity, enforceability or
22 unenforceability of any claim in any of the APPLE IP.”

23 6. Request No. 98 sought: “All DOCUMENTS and things relating to any
24 information, including patents, publications, prior knowledge, public uses, sales, or offers for sale,
25 that may constitute, contain, disclose, refer to, relate to, or embody any PRIOR ART to any
26 alleged invention claimed by the APPLE IP.”

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1 7. Apple served a written response to the First Set of Requests for Production on
2 September 12, 2011. A true and correct copy of Apple's Response is attached hereto as
3 Exhibit B. [REDACTED]

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 8. On December 30, 2011, Samsung served its Fifth Set of Request for Production.
8 Request No. 362 sought: "All DOCUMENTS RELATING to any applications or other attempts
9 by APPLE to obtain any design patent registration for the iPad 2, whether in a foreign country or
10 in the U.S."

11 9. Apple served a written response to the Fifth Set of Requests for Production on
12 February 3, 2012. [REDACTED]

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 10. Samsung has since at least January 2012 made good faith efforts to meet and confer
17 in an effort to avoid a motion with respect to Apple's published and unpublished patent
18 applications, including for the iPad2. Attached hereto as Exhibit C are copies of correspondence
19 relating to this issue.

20 11. The parties' lead counsel met and conferred on February 6, and then again most
21 recently, on February 14 and 15, 2012, Apple's counsel agreed that Apple would produce any
22 patents, applications or file history for published iPad2 and other relevant design patent
23 applications (or issued patents) no later than February 17. Apple has yet to do so.

24 12. With respect to unpublished applications, Apple's counsel stated that Apple was
25 unwilling to produce such applications and related documentation because it believes Quinn
26 Emanuel might use this information to advise its clients on how to design around Apple's patents.

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1 13. Attached hereto as Exhibit D is a true and correct copy of Apple Inc's Amended
2 Objections and Responses to Samsung's Interrogatory No. 7 to Apple Relating to Apple Inc's
3 Motion for a Preliminary Injunction.

4 14. Attached hereto as Exhibit E are true and correct copies of excerpts from the
5 Certified File Wrapper for U.S. Design Patent D504, 889, as produced to Samsung by Apple in
6 this action.

7 15. Attached hereto as Exhibit F is a true and correct copy of Exhibit 7 to the February
8 15, 2012 ITC Deposition of Christopher Stringer.

9 I declare under penalty of perjury under the laws of the United States that the foregoing is
10 true and correct.

11 Executed in Los Angeles, California on March 6, 2012.

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By _____
Diane C. Hutnyan