

# Exhibit C

February 14, 2012

Marc J. Pernick  
Morrison & Foerster  
755 Page Mill Road  
Palo Alto, CA 94304

Re: Apple v. Samsung, Case No. 11-cv-1846-LHK (PSG) (N.D. Cal)

Dear Marc:

I write to respond to your letter of February 9, 2011 on the subject of source code. As Apple knows, the Court's December 22, 2011 order did not require Samsung to produce every single version of source code for the accused devices. Apple's December 2011 motions to compel did not make such a broad request, and the Court did not *sua sponte* order it. Samsung complied in full with the Court's December 22 order, by producing well over 500 GB of source code for all accused products.

Nor did the Court's January 27, 2012 Order require such a production. Apple moved to compel a much narrower category of source code information on January 11, 2012. In particular, Apple made a narrow request for Samsung to produce "documents sufficient to show" the versions, updates or changes to the source code. The Court's January 27, 2012 order granted only Apple's narrow request, and did not require that Samsung produce all versions of source code for the accused devices. Moreover, the Court recognized the undue burden that even this narrower production would entail, and explicitly stated that Samsung could negotiate a stipulation regarding the functionality of the accused products. Samsung is exploring that option now. Samsung reserves the right to seek relief from the Court if Apple continues to unreasonably demand irrelevant versions of Samsung source code which have nothing to do with the accused

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features.

Apple has requested that Samsung provide version information regarding Android code, because it alleges that Samsung's source code provides "no indication of which code versions were produced for each accused device." Apple is wrong. The Android source code produced by Samsung does include such information. For example, the Samsung Vibrant runs Froyo, a.k.a. Android version 2.2. This can be seen in the folder 4\_Vibrant\_T-Mobile\_SGH-T959\ANRD\_PROD\ USA-GSM\2010\TMO\T959\_Froyo \Android\frameworks\base\api, which indicates the highest API level for the Android code. Apple need only inspect the code to locate similar information in all of the remaining Samsung code.

In addition, Samsung is moving swiftly to produce additional information regarding any changes to source code that may be relevant to the accused functionalities. This is a lengthy process involving multiple versions of source code for dozens of Samsung products, and represents a significant burden on Samsung. Nevertheless, Samsung can confirm that modifications to source code for the following products have not affected the accused functionalities other than bounce: Captivate, Continuum, Epic 4G, Exhibit 4G, Fascinate, Galaxy Ace Showcase, Galaxy S 4G, Gravity Smart, Indulge, Intercept, Mesmerize, Nexus, Nexus S, Nexus S 4G, Replenish, Showcase Galaxy S, Sidekick, Transform, Vibrant, and the Galaxy Tab (AT&T, Sprint, T-Mobile and Verizon versions). Samsung is continuing to collect information on the remaining products and will provide a complete accounting of Samsung's products as soon as its investigation is complete.

With respect to Apple's request to install certain software on the source code computers, Samsung would be amenable to installing the software promptly if Apple will likewise install the following onto its source code computers: cscope, ctags, vim, and vimdiff. Apple's additional request to have public versions of Android installed on the source code computer is not contemplated by the Protective Order; however, Samsung is currently considering Apple's request.

Sincerely,

*/s/ Rachel Herrick Kassabian*

Rachel Herrick Kassabian