

# Exhibit F

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**From:** Pernick, Marc J.  
**Sent:** Monday, February 27, 2012 11:32 AM  
**To:** 'Bill Trac'  
**Cc:** Mark Tung; Rachel Herrick Kassabian; AppleMoFo; 'WH Apple Samsung NDCal Service'  
**Subject:** RE: Apple v. Samsung: Correspondence re: Production of Source Code by Samsung  
**Attachments:** AvSS\_\_\_Source\_Code\_Stip\_Version (clean).doc

Hi Bill:

I've attached a [Word version of Apple's draft stipulation](#).

Regards,  
Marc

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**From:** Bill Trac [mailto:BillTrac@quinnemanuel.com]  
**Sent:** Monday, February 27, 2012 10:38 AM  
**To:** Pernick, Marc J.  
**Cc:** Mark Tung; Rachel Herrick Kassabian  
**Subject:** RE: Apple v. Samsung: Correspondence re: Production of Source Code by Samsung

Hi Marc,

As a courtesy, may we please have an editable word version of Apple's proposed stipulation?

Thanks,  
Bill

**Bill Trac**  
*Associate,*  
**Quinn Emanuel Urquhart & Sullivan, LLP**

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**From:** Pernick, Marc J. [mailto:MPernick@mofo.com]  
**Sent:** Sunday, February 26, 2012 9:47 PM  
**To:** Rachel Herrick Kassabian  
**Cc:** AppleMoFo; Samsung v. Apple; calvin.walden@wilmerhale.com; peter.kolovos@wilmerhale.com; Mazza, Mia; WHAppleSamsungNDCalService@wilmerhale.com

**Subject:** Apple v. Samsung: Correspondence re: Production of Source Code by Samsung

<<2012--2-26 Pernick to Kassabian re Stipulation on Source Code.pdf>> <<2012-02-26 Pernick to Kassabian re Stipulation on Source Code.pdf>>

Hi Rachel,

Attached please find correspondence regarding Samsung's production of source code in response to the Court's December 22, 2011 Order, as well as a draft stipulation for your review.

Regards,  
Marc Pernick

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TELECOMMUNICATIONS AMERICA,  
LLC

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 APPLE INC., a California corporation,

18 Plaintiff,

19 v.

20 SAMSUNG ELECTRONICS CO., LTD., a  
21 Korean corporation; SAMSUNG ELECTRONICS  
22 AMERICA, INC., a New York corporation; and  
23 SAMSUNG TELECOMMUNICATIONS  
company,

24 Defendants.

Case No. 11-cv-01846-LHK

**JOINT STIPULATION AND  
[PROPOSED] ORDER  
REGARDING SOURCE CODE  
FOR THE ACCUSED DEVICES**

1  
2 WHEREAS, Apple Inc. (“Apple”) commenced the above-captioned action against  
3 Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung  
4 Telecommunications America, LLC (collectively “Samsung,” and together with Apple, “the  
5 Parties” and individually each a “Party”) on April 15, 2011;

6 WHEREAS, through Requests for Production propounded on Samsung and other  
7 discovery mechanisms, Apple sought production of the source code for the accused products (*see*,  
8 *e.g.*, Apple RFP Nos. 224, 228, and 232);

9 WHEREAS, on December 8, 2011, Apple filed a motion to compel seeking an order  
10 directing Samsung to produce its source code for the accused products, including its source code  
11 relating to certain specified accused functions (*see* Apple’s 12/8/11 [Proposed] Order Granting  
12 Apple’s Mot. Compel Production of Docs. & Things at 2-3);

13 WHEREAS, on December 22, 2011, the Court issued an order requiring Samsung to  
14 produce “the source code and technical documents requested by Apple’s motion” by  
15 December 31, 2011 (12/22/11 Order at 2);

16 WHEREAS, Samsung produced only one version of source code for each accused product  
17 by December 31, 2011;

18 WHEREAS, Apple contends that Samsung should be precluded from arguing that any  
19 version of an accused product does not infringe any Apple patent-in-suit, unless the source code  
20 for that version of the product either (i) was produced by December 31, 2011, or (ii) differs in no  
21 material way from the source code for the version of the product that was produced by  
22 December 31, 2011;

23 WHEREAS, although Samsung does not agree with Apple’s contention, Samsung  
24 represents that, for purposes of assessing infringement of all but one of the Apple patents-in-suit,  
25 the version of the following accused products for which Samsung did produce source code by  
26 December 31, 2011 is representative of all versions of that product:

- 27 (a) Captivate;  
28 (b) Continuum;  
(c) Epic 4G;  
(d) Exhibit 4G;  
(e) Fascinate;

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- (f) Galaxy Ace Showcase;
- (g) Galaxy S 4G;
- (h) Gravity Smart;
- (i) Indulge;
- (j) Intercept;
- (k) Mesmerize;
- (l) Nexus;
- (m) Nexus S;
- (n) Nexus S 4G;
- (o) Replenish;
- (p) Showcase Galaxy S;
- (q) Sidekick;
- (r) Transform;
- (s) Vibrant;
- (t) Galaxy Tab (AT&T, Sprint, TMobile and Verizon versions);
- (u) ....
- (v) .....
- (w) ...
- (x) .....

WHEREAS, Samsung's representation does not apply to Apple's allegation that Samsung's accused products infringe U.S. Patent No. 7,469,381; and

WHEREAS, the Parties have determined that it is in their mutual interest to memorialize their partial resolution of this outstanding dispute regarding the consequences of Samsung's failure to produce all of the source code covered by the Court's December 22, 2011 Order by December 31, 2011.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties as follows:

1. For purposes of assessing infringement of U.S. Patent Nos. 6,493,002, 7,853,891, 7,864,163, 7,844,915, 7,812,828, 7,663,607, and 7,920,129 (whether direct or indirect, and whether literal or by equivalents), the version of source code that Samsung produced by December 31, 2011 for the following products is representative of the source code for all versions of that product:

- a. Captivate;
- b. Continuum;
- c. Epic 4G;
- d. Exhibit 4G;
- e. Fascinate;
- f. Galaxy Ace Showcase;
- g. Galaxy S 4G;
- h. Gravity Smart;
- i. Indulge;

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- j. Intercept;
- k. Mesmerize;
- l. Nexus;
- m. Nexus S;
- n. Nexus S 4G;
- o. Replenish;
- p. Showcase Galaxy S;
- q. Sidekick;
- r. Transform;
- s. Vibrant; and
- t. Galaxy Tab (AT&T, Sprint, TMobile and Verizon versions);
- u. ....
- v. ....
- w. ....
- x. ....

2. This stipulation is without prejudice to Apple’s right to seek any remedy or relief with regard to any disputes over Samsung’s production of source code in accordance with the December 22, 2011 Order that are not addressed in Section 1 of this Stipulation.

Dated: February \_\_, 2012

MORRISON & FOERSTER LLP

QUINN EMANUEL URQUHART & SULLIVAN, LLP

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 APPLE INC.

Attorneys for SAMSUNG ELECTRONICS CO. LTD, SAMSUNG ELECTRONICS AMERICA, INC., AND SAMSUNG TELECOMMUNICATIONS AMERICA, LLC.

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2012

By: \_\_\_\_\_  
The Honorable Lucy H. Koh  
United States District Court Judge