

# EXHIBIT 4

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March 9, 2012

**VIA ELECTRONIC MAIL**

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Re: *Apple v. Samsung Elecs. Co. et al.*, Case No. 11-cv-1846 LHK (N.D. Cal.)

Dear Marc,

I write in response to your March 6, 2012 letter proposing to schedule the next lead counsel meet and confer on March 26, 2012. As you are aware, the last day to file discovery motions in this matter is March 15, 2012. See Civil L.R. 37-3. There are numerous discovery issues that have arisen since the last lead counsel meet and confer on February 14-15, 2012 or require further substantive discussion. We take the Court's order requiring an in-person lead counsel meet and confer seriously. Apple has not agreed to make Mr. McElhinny available during a single business day between the close of fact discovery and the deadline for filing any discovery motions. Indeed, Apple proposed a date 18 days after the close of fact discovery, and 11 days after the motion filing deadline. This is inconsistent with the deadlines set by the Court.

Moreover, we are still waiting on Apple to provide a response to dozens of important discovery issues, including but not limited to:

- The ten items relating to functionality, source code, and missing custodial productions listed on pages 3 and 4 of my February 13 letter.
- Apple's continuing refusal to provide witnesses on many of Samsung's 30(b)(6) topics.

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- Apple's failure to produce several categories of information related to functionality of Apple's product design, that we learned about in recent depositions, as discussed in my February 25 letter.
- Apple's failure to produce information related to the Android Immersion Room, discussed in my February 28 letter.
- Apple's failure to respond to our proposal regarding deposition cross use, discussed in my February 28 letter.
- Apple's failure to provide several categories of information relevant to Apple's claimed designs that we learned about for the first time in Ive's and Forstall's recent depositions, discussed in my February 28 letter.
- Apple's failure to prepare Mr. Skinder to testify on the topics as to which he had been noticed, and the corresponding failure to provide a new witness prepared on those topics, discussed in my March 1 letter.
- Apple's failure to produce relevant documents that we learned about at the recent Joswiak deposition, discussed in my letter of March 2.
- Apple's refusal to produce Simon Prakash for deposition, discussed in my letter of March 5.
- Apple's failure to make a complete NeXT source code production, discussed in my letter of March 6.
- Apple's failure to produce licensing documents related to Apple's sale of iPhones and iPads, discussed in my March 7 letter.
- Apple's failure to produce custodial documents relating to Ternus, discussed in several letters.

Clearly, after all this sandbagging, Apple's plan is to run out the clock on Samsung's discovery issues. This is improper. Please propose a weekday or two that Mr. McElhinny can make himself available before March 15, 2012.

Kind regards,

*/s/ Diane C. Hutnyan*

Diane C. Hutnyan