EXHIBIT 10

425 MARKET STREET
SAN FRANCISCO
CALIFORNIA 94105-2482

TELEPHONE: 415.268.7000
FACSIMILE: 415.268.7522

WWW.MOFO.COM

Writer's Direct Contact
415.268.6096
WOverson@mofo.com

November 28, 2011

Via E-Mail (rachelkassabian@quinnemanuel.com)

Rachel Herrick Kassabian
Quinn Emanuel Urquhart & Sullivan, LLP
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, CA 94065-2139

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

Dear Rachel:

I write to follow-up on my November 9 letter asking Samsung to immediately produce
specific categories of relevant source code and technical documents related to the accused
devices.

Samsung has failed to produce any source code or technical documents related to the
allegedly infringing features, although Samsung was required to produce this information to
Apple six weeks ago in conjunction with Samsung's invalidity contentions. *See* Pat. L. R. 3-
4(a). During the preliminary injunction phase of litigation Samsung promised that it would
produce source code and technical documents but failed to produce any source code at all.
See Samsung's Invalidity Contentions dated Oct. 7, 2011.

Six weeks later, Samsung is still making the same indefinite promises. Most recently in your
November 20 letter, Samsung claims that it will "produce relevant source code on a rolling
basis" and that you would also respond to my November 9 letter. Your response was never
sent, and the requested information has not been produced.

Samsung's noncommittal response is unacceptable. Samsung has completely disregarded its
obligations under the patent local rules and ignored the urgency of Apple's requests. The
requested information is directly relevant to infringement and hence to claim construction
issues. Accordingly, Apple urgently needs access to this source code and technical
documents in time to review the information before the claim construction briefing deadlines
and if necessary to update its infringement contentions. **Please confirm that Samsung will
produce immediately the following categories of source code and other technical
documents, which are the same exact items identified in my November 9 letter**:

- Source code, related configuration files, and version history information for the following software: TouchWiz, and the Browser, Camera, Contacts, Gallery, and Maps applications.

- Source code in any Samsung Product at Issue relating to the display and operation of a user interface status bar or a notification in a status bar, together with related configuration files and version history information.

- Source code in any Samsung Product at Issue relating to scrolling and scaling, together with related configuration files and version history information.

- Source code in any Samsung Product at Issue relating to scroll lock, together with related configuration files and version history information.

- Source code in any Samsung Product at Issue relating to pop-up windows, together with related configuration files and version history information.

- Source code in any Samsung Product at Issue relating to the functionality that allows for an image, list, webpage or document to be scrolled beyond its edge until it is partially displayed, or that allows for an image, list, webpage or document that is scrolled beyond its edge to scroll back or bounce back into place so that it returns to fill the screen, together with related configuration files and version history information. This includes any source code related to the source code found in the android.widget.OverScroller class included in Android API Level 9, as well as equivalent source code or instructions in Android API Levels 8 and 11.

- Source code for the touch sensor controllers in any Samsung Product at Issue, together with related configuration files and version history information.

- All requests for quotations relating to the touchscreens, touchscreen controllers, and touch screen components in each Samsung Product at Issue.

- All qualification documentation for the touchscreens, touchscreen controllers, and touch screen components in each Samsung Product at Issue, including internal qualification documentation and vendor qualification documentation, specifications used to qualify both first and third-party-supplied parts and components, and quality control criteria used for manufacturing.

- All documents relating to design, specifications and manufacturing tolerances for the touch screens, touch sensor controllers, and touch screen components in the Samsung Products at Issue.

MORRISON | FOERSTER

Rachel Herrick Kassabian
November 28, 2011
Page Three

- All Bills of Materials and design drawings relating to the Samsung Products at Issue provided to or received from vendors or suppliers.

- All functional testing results and testing criteria relating to the touch screens, touch sensor controllers, and touch screen components in the Samsung Products at Issue, including documents pertaining to prototypes and pre-production touch screens, touch sensor controllers, and touch screen components.

- All testing data related to the shielding of traces of conductive material in the Samsung Products at Issue

- Specifications, schematics, flow charts, artwork, formulas, or other documentation showing the design and operation the touch screens, touch sensor controllers, and touch screen components or of other accused features.

- Documents concerning each design around, and/or allegedly non-infringing alternative design that can be used as an alternative to the Design Patents at Issue.

- All documents relating to each change or design around that Samsung has made, is making, or will make in response to the allegations in this lawsuit.

We acknowledge that Samsung has asked this month for two items of old source code related to Mac OS 10.0 and Super Clock, which Samsung intends to claim are prior art when it amends its invalidity contentions. As Samsung's request for Mac OS 10.0 and Super Clock source code relates only to new assertions of prior art, Apple had no previous obligation to look for or produce those items. Apple denies that Mac OS 10.0 and Super Clock are relevant prior art, nor are they within the scope of Samsung's requests. Nevertheless, Apple is actively in the process of searching for the source code and will produce it for inspection as soon as possible.[1]

By contrast, as stated above, the source code and technical documents listed above are items that Samsung was required to, but failed to, produce with its Patent Local Rules production *six weeks ago*. **Apple has already substantially completed its production of source code and other technical information evidencing the conception and reduction to practice of the patents in suit, so Samsung's exclusion of those items from its Patent Local Rules production is a unilateral failure.**

---

[1] Contrary to your assertion in your November 20 letter, this source code, which relates to products that are more than ten (Mac OS 10.0) and twenty (Super Clock) years old and no longer in use, is far from "readily available to Apple."

sf-3074742

Rachel Herrick Kassabian
November 28, 2011
Page Four

Although Apple has included source code as an item for reciprocal negotiation in recent correspondence, the parties have agreed that requested information that is clearly relevant in the action should be produced without waiting for further negotiation. Documents that Samsung was supposed to produce with its Patent Local Rules production fall squarely within that "clearly relevant" category. There is certainly additional relevant source code appropriate for the parties' reciprocal production negotiations, and Apple has highlighted source code as a topic to be frontloaded, but the above-listed source code should have been produced long ago. Samsung should not delay its production for this or any other reason.

Apple demands that Samsung immediately produce all of the source code and technical documents listed in my November 9 letter and repeated above. To the extent that different versions were used in the accused devices, Samsung should immediately produce for each accused device documents sufficient to show the version history for software used to perform the accused features, including when any updates to such software were made available to consumers. At a minimum, these documents should identify for each accused device dates during which each version of the accused device's operating system/kernels/ROMs and the applications identified above were in use.

Apple is prepared to move to compel production of this information if you do not provide to us by November 30 a date certain in early December when Samsung's production of the requested source code will be complete. Accordingly, this issue will be placed on Apple's agenda for the lead trial counsel meet-and-confer currently being scheduled.

Sincerely,

/s/ Wesley E. Overson

Wesley E. Overson

cc: Samuel Maselli
        Peter Kolovos
        S. Calvin Walden