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14 Attorneys for SAMSUNG ELECTRONICS CO.,  
LTD., SAMSUNG ELECTRONICS AMERICA,  
15 INC. and SAMSUNG  
TELECOMMUNICATIONS AMERICA, LLC

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

20 APPLE INC., a California corporation,

21 Plaintiff,

22 vs.

23 SAMSUNG ELECTRONICS CO., LTD., a  
Korean business entity; SAMSUNG  
24 ELECTRONICS AMERICA, INC., a New  
York corporation; SAMSUNG  
25 TELECOMMUNICATIONS AMERICA,  
LLC, a Delaware limited liability company,

26 Defendant.

CASE NO. 11-cv-01846-LHK (PSG)

**DECLARATION OF JOBY MARTIN IN  
SUPPORT OF SAMSUNG'S OPPOSITION  
TO APPLE'S MOTION FOR RULE  
37(b)(2) SANCTIONS FOR SAMSUNG'S  
ALLEGED VIOLATION OF JANUARY  
27, 2012 DAMAGES DISCOVERY ORDER**

Date: April 3, 2012

Time: 10:00 a.m.

Place: Courtroom 5, 4th Floor

Judge: Hon. Paul S. Grewal

1 I, Joby Martin, declare as follows:

2 1. I am an associate in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP,  
3 counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung  
4 Telecommunications America, LLC (collectively, "Samsung"). I submit this declaration in  
5 support of Samsung's Opposition to Apple's Motion for Rule 37(b)(2) Sanctions For Samsung's  
6 Alleged Violation of January 27, 2012 Damages Discovery Order . I have personal knowledge  
7 of the facts set forth in this declaration, except as otherwise noted, and, if called upon as a  
8 witness, I could and would testify to such facts under oath.

9 **Samsung's Production to Date**

10 2. Samsung has produced over 12,000 pages of financial information in this case  
11 and the concurrent ITC proceedings between the parties. Attached hereto as Exhibit 1 is a chart  
12 prepared by our litigation staff that maps out the financial documents produced in this litigation  
13 and in the parallel ITC proceedings, as well as the dates each document was produced.

14 3. On February 3, 2012, Samsung produced [REDACTED]  
15 [REDACTED]  
16 [REDACTED]

17 4. On February 10, 2012, Samsung produced [REDACTED]  
18 [REDACTED]  
19 [REDACTED]

20 5. On February 28, 2012, Samsung produced [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

23 [REDACTED] which is discussed in the Declaration of Timothy Sheppard starting at paragraph 7,  
24 [REDACTED]  
25 [REDACTED]

26 6. In response to Apple's requests for more minute detail concerning [REDACTED]  
27 [REDACTED] Samsung [REDACTED] on March 8, 2012. This  
28 spreadsheet is discussed the Sheppard Declaration starting at paragraph 30.

1 7. Prior to February 3, 2012, Samsung produced numerous documents reflecting

2 [REDACTED]

3 [REDACTED] Attached hereto as Exhibit 2 is a true and  
4 correct copy of an excerpt from one such document, [REDACTED]

5 [REDACTED]

6 8. Prior to February 3, 2012, Samsung produced [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] Attached hereto as Exhibit 3 is  
11 a true and correct copy of one such document.

12 9. Samsung has produced [REDACTED]

13 [REDACTED]

14 [REDACTED] Attached hereto as Exhibit 4 is a true and correct copy of one such  
15 document, [REDACTED]

16 10. Prior to February 3, 2012, [REDACTED]

17 [REDACTED]

18 [REDACTED] Attached hereto as Exhibit 5 is a true and correct copy of one such document.

19 11. Attached hereto as Exhibit 6 is a true and correct copy of Samsung's response to  
20 Apple's Interrogatory No. 14, [REDACTED]

21 [REDACTED]

22 12. Attached hereto as Exhibit 7 is a letter from Apple's counsel to Samsung's  
23 counsel, [REDACTED]

24 [REDACTED]

25 13. Samsung produced [REDACTED] on March 8, 2012. Attached hereto as  
26 Exhibit 8 is a true and correct copy of one such document.

27 14. In response to a letter from Apple dated March 5, 2012—a true and correct copy  
28 of which is attached as Exhibit 5 to the Declaration of John Gordon—[REDACTED]

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[REDACTED]

[REDACTED] Attached hereto as Exhibit 9 is a true and correct copy of one such document.

15. Samsung produced the majority of its [REDACTED] before February 3, 2012. Samsung produced additional [REDACTED] on March 8, 2012 when it discovered that some were missing from prior productions.

**The Parties' Meet and Confer Efforts**

16. From November – December 2011, Apple sent several letters regarding its requests for source code technical documents, including requests for quotations, qualification documents, bills of materials, and functional testing results for the accused products' touchscreens. Attached hereto as Exhibit 10 is a true and correct copy of one such letter, sent by Apple's counsel to Samsung's counsel on November 28, 2011.

17. Attached hereto as Exhibit 11 is a true and correct copy of a letter concerning source code and technical documents sent by Apple's counsel to Samsung's counsel and dated December 6, 2011. In this letter, Apple's counsel states that Apple's requests for bills of materials, requests for quotations and qualification documents relating to touchscreens are relevant to understanding the structure of the accused devices as they relate to U.S. Patent Nos. 7,663,607 and 7,920,129—Apple's touchscreen patents.

18. Attached hereto as Exhibit 12 is a true and correct copy of an excerpt from Apple's Sixth Set of Requests for Production ("RFP"). RFP No. 240 seeks "All Documents concerning the design, manufacture, specifications and operation of the touch screens (including the display and touch sensor panels) on the Products at Issue."

19. Attached hereto as Exhibit 13 is a true and correct copy of a letter dated January 5, 2012, sent by Apple's counsel to Samsung's counsel, stating that Apple requested bills of materials in satisfaction of RFP No. 240.

20. At the January 6, 2012 lead counsel meet and confer, which I attended, the only discussion of bills of materials related to the touchscreens of the accused products, in the context of Apple's requests for technical documents.

