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10 Attorneys for Plaintiff and Counterclaim-  
 Defendant APPLE INC.

11  
 12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN JOSE DIVISION

15  
 16  
 17 APPLE INC., a California corporation,

18 Plaintiff,

19 v.

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

23 Defendants.

Case No. 11-cv-01846-LHK

**REPLY DECLARATION OF  
 GRANT L. KIM IN SUPPORT OF  
 APPLE'S RULE 37(B)(2)  
 MOTION RE SAMSUNG'S  
 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

24  
 25  
 26 **PUBLIC REDACTED VERSION**  
 27  
 28

1 I, Grant L. Kim, declare as follows:

2 1. I am an attorney at the law firm of Morrison & FoersterLLP, counsel of record in  
3 this action for Plaintiff Apple Inc. I submit this Reply Declaration in Support of Apple's  
4 Rule 37(b)(2) Motion Re Samsung's Violation of January 27, 2012 Damages Discovery Order.  
5 Unless otherwise indicated, I have personal knowledge of the matters set forth below. If called as  
6 a witness I could and would testify competently as follows.

7 2. Attached as Exhibit 1 hereto is a true and correct copy of Apple's Second Set of  
8 Requests for Production of Documents, dated August 3, 2011. As can be seen at pages 1-2,  
9 Apple defined "Products at Issue" as including [REDACTED]  
10 [REDACTED] and "any similar products, and any products that Apple accuses of  
11 infringing its intellectual property in this litigation."

12 3. Apple used the same definition of "Products at Issue" in every set of discovery  
13 requests that it served on Samsung that used this phrase, including: (a) Apple's Second Set of  
14 Interrogatories (August 3, 2011); (b) Apple's Sixth Set of Requests for Production of Documents  
15 (October 26, 2011); (c) Apple's Seventh Set of Requests for Production of Documents  
16 (November 11, 2011); (d) Apple's Fifth Set of Interrogatories (November 14, 2011); (e) Apple's  
17 Seventh Set of Interrogatories (January 14, 2012); (f) Apple's Tenth Set of Interrogatories  
18 (January 23, 2012); (g) Apple's Fourteenth Set of Interrogatories (February 5, 2012); (h) Apple's  
19 Sixteenth Set of Interrogatories (February 7, 2012). Samsung never objected that it did not  
20 understand the meaning of [REDACTED]

21 4. Attached as Exhibit 2 hereto is a true and correct copy of a printout of the  
22 "Explore the Galaxy S II" page of Samsung's website, downloaded from  
23 <http://www.samsung.com/us/article/explore-the-galaxy-s-ii>. This page includes photos and  
24 descriptions of all "Galaxy S II" models sold by U.S. carriers, including the Sprint "Galaxy S II  
25 Epic 4G Touch"; the AT&T "Galaxy S II Skyrocket"; the T-Mobile "Galaxy S II"; the AT&T  
26 "Galaxy S II"; and the U.S. Cellular "Galaxy S II." It also includes links to other Samsung  
27 webpages that include additional information about all of these Galaxy S II models.  
28

1           5.       Attached as Exhibit 3 are true and correct copies of photos of the front and back of  
2 the Sprint Galaxy S II Epic 4G Touch, downloaded from Samsung’s website at  
3 <http://www.samsung.com/us/mobile/cell-phones/SPH-D710ZKASPR-gallery>. As shown by these  
4 photos, the back of the Sprint Galaxy S II, includes the “Galaxy S II” logo, with no reference to  
5 “Epic 4G Touch.”

6           6.       Attached as Exhibit 4 are true and correct copies of photos of the front and back of  
7 the AT&T Galaxy S II Skyrocket, downloaded from Samsung’s website at  
8 <http://www.samsung.com/us/mobile/cell-phones/SGH-I727MSAATT-gallery>. As shown by  
9 these photos, the back of the AT&T Galaxy S II, includes the “Galaxy S II” logo, with no  
10 reference to “Skyrocket.”

11          7.       Attached as Exhibits 5 and 6 are true and correct copies of photos of the front and  
12 back of the T-Mobile and AT&T Galaxy S II, downloaded from Samsung’s website at  
13 <http://www.samsung.com/us/mobile/cell-phones/SGH-T989ZWB TMB-gallery> and  
14 <http://www.samsung.com/us/mobile/cell-phones/SGH-I777ZKAATT-gallery>, respectively. As  
15 shown by these photos, the back of these two models includes the same “Galaxy S II” logo that  
16 appears on the Sprint Galaxy S II Epic 4G Touch and the AT&T Galaxy S II Skyrocket.

17          8.       Attached as Exhibit 7 hereto is a true and correct copy of a printout of the  
18 “Explore Galaxy Tabs” page of Samsung’s website, downloaded from  
19 <http://www.samsung.com/us/guide-page/galaxy-s/#galaxytab>. As can be seen, Samsung’s  
20 “Explore Galaxy Tabs” webpage includes photos and descriptions of both the “Galaxy Tab 10.1  
21 (Wi-Fi Only)” and the “Galaxy Tab 10.1 (Verizon 4G LTE).” It also includes links to other pages  
22 that contain more information about these products.

23          9.       Attached as Exhibit 8 hereto is a true and correct copy of a printout of a review of  
24 the Galaxy Tab 10.1 4G LTE, dated August 15, 2011, downloaded from  
25 <http://www.anandtech.com/show/4605/samsung-galaxy-tab-101-4g-lte-review>. The review states  
26 that the LTE version of the Galaxy Tab 10.1 is “[b]ased on the same design as the WiFi only  
27 Galaxy Tab 10.1,” and is “identical in dimensions.” (*Id.* at 2.) It includes a side-by-side  
28 comparison that shows that the technical specifications of the Galaxy Tab 10.1 (Wi-Fi only) and

1 the Galaxy Tab 10.1 (4G LTE) are virtually identical, with the key difference between that the  
2 LTE version allows connection over a 3G or LTE cellular network. (*Id.* at 3-4.)

3 10. Attached as Exhibit 9 hereto is a true and correct copy of Apple's initial response  
4 to Samsung's Interrogatory No. 5, served on September 12, 2011.

5 11. Attached as Exhibit 10 hereto is a true and correct copy of Apple's Second  
6 Amended Response to Samsung's Interrogatory No. 5, served on March 8, 2012.

7 12. Attached as Exhibit 11 hereto is a true and correct copy of an article dated  
8 August 31, 2011, about Samsung's official announcement of the Galaxy S II models for AT&T,  
9 Sprint, and T-Mobile, downloaded from <http://www.androidpolice.com/2011/08/30/galaxy-sii-variants-for-att-t-mobile-and-sprint-officially-announced-the-wait-is-almost-over/>. According to  
10 the article, the specifications of the three Galaxy S II models are similar, but not identical. For  
11 example, the T-Mobile Galaxy S II has a 4.52 inch screen, while the AT&T Galaxy S II has a 4.3  
12 inch screen.  
13

14 13. Attached as Exhibit 12 hereto is a true and correct copy of an article about the  
15 Galaxy S II from Wikipedia, downloaded from  
16 [http://en.wikipedia.org/wiki/Samsung\\_Galaxy\\_S\\_II](http://en.wikipedia.org/wiki/Samsung_Galaxy_S_II).

17 14. Attorneys working under my supervision have conducted database searches of  
18 documents produced by Samsung in this action. The results of these searches show that Samsung  
19 has produced thousands of documents that refer to one of the three models that Samsung contend  
20 are outside the scope of this case [REDACTED]  
21 [REDACTED], and that do not refer to one of the models that Samsung concedes are  
22 at issue [REDACTED]

23 15. Attached as Exhibit 13 hereto is a true and correct copy of a spreadsheet  
24 summarizing the results of a search for documents that refer to the [REDACTED]  
25 and that do not refer to one of the models that Samsung concedes are at issue. This search  
26 identified a total of 864 documents produced by Samsung. These search results reflect documents  
27 that included one of the terms that Samsung uses to refer to the [REDACTED]  
28 [REDACTED] and

1 that did not include one of the terms that Samsung uses to refer to the [REDACTED]  
2 [REDACTED] or the AT&T  
3 Galaxy S II (specifically, "I777" or "Seine," the AT&T model and project names.)

4 16. Attached as Exhibit 14 hereto is a true and correct copy of a spreadsheet  
5 summarizing the results of a search for documents that refer to the [REDACTED], and  
6 that does not refer to one of the models that Samsung concedes are at issue. This search  
7 identified a total of 1,022 documents produced by Samsung. These search results reflect  
8 documents that included one of the terms that Samsung uses to refer to the [REDACTED]  
9 [REDACTED] and that did  
10 not include one of the terms that Samsung uses to refer to the [REDACTED]  
11 [REDACTED]

12 17. Attached as Exhibit 15 hereto is a true and correct copy of a spreadsheet  
13 summarizing the results of a search for documents that refer to the [REDACTED] and that  
14 does not refer to one of the models that Samsung concedes are at issue. This search identified a  
15 total of 1,047 documents produced by Samsung. These search results reflect documents that  
16 included one of the terms that Samsung uses to refer to the [REDACTED]  
17 [REDACTED]  
18 [REDACTED] and that did not include one of the terms that Samsung uses to refer to the  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

22 18. Adding the totals in the three preceding paragraphs together, Samsung responded  
23 to Apple's document requests in this litigation by producing a total of 2,933 documents in this  
24 litigation that refer to the three products that Samsung now contends are outside the scope of  
25 Apple's claims, and that do not refer to related products that Samsung concedes are at issue. The  
26 next several paragraphs give examples of the documents that Samsung produced.

27 19. Attached as Exhibit 16 hereto is a true and correct copy of a document that  
28 Samsung produced as [REDACTED]

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[REDACTED]

[REDACTED]

20. Attached as Exhibit 17 hereto is a true and correct copy of a document that Samsung produced as [REDACTED]

[REDACTED]

[REDACTED]

21. Attached as Exhibit 18 hereto is a true and correct copy of a document that Samsung produced as [REDACTED]

[REDACTED]

I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th day of March, 2012 at San Francisco, California.

/s/ Grant L. Kim  
Grant L. Kim

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**ATTESTATION OF E-FILED SIGNATURE**

I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Grant L. Kim has concurred in this filing.

Dated: March 20, 2012

/s/ Michael A. Jacobs  
Michael A. Jacobs