

EXHIBIT A

1 HAROLD J. MCELHINNY (CA SBN 66781)
hmcclhinny@mofo.com
2 MICHAEL A. JACOBS (CA SBN 111664)
mjacobs@mofo.com
3 JENNIFER LEE TAYLOR (CA SBN 161368)
jtaylor@mofo.com
4 ALISON M. TUCHER (CA SBN 171363)
atucher@mofo.com
5 RICHARD S.J. HUNG (CA SBN 197425)
rhung@mofo.com
6 JASON R. BARTLETT (CA SBN 214530)
jasonbartlett@mofo.com
7 MORRISON & FOERSTER LLP
425 Market Street
8 San Francisco, California 94105-2482
Telephone: (415) 268-7000
9 Facsimile: (415) 268-7522

10 Attorneys for Plaintiff and
Counterclaim-Defendant APPLE INC.

QUINN EMANUEL URQUHART &
SULLIVAN, LLP
Charles K. Verhoeven (Cal. Bar No.
170151)
50 California Street, 22nd Floor
San Francisco, California 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700
Kevin P.B. Johnson (Cal. Bar No. 177129)
Victoria F. Maroulis (Cal. Bar No. 202603)
555 Twin Dolphin Drive 5th Floor
Redwood Shores, California 94065
Telephone: (650) 801-5000
Facsimile: (650) 801-5100
Michael T. Zeller (Cal. Bar No. 196417)
865 S. Figueroa St., 10th Floor
Los Angeles, California 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

Attorneys for SAMSUNG ELECTRONICS
CO., LTD., SAMSUNG ELECTRONICS
AMERICA, INC. and SAMSUNG
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

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

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

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

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

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

WHEREAS, on December 31, 2011, Samsung Electronics Co., Samsung Electronics America, Inc. and Samsung Telecommunications America, LLC (“Samsung”) produced source code for each of the Samsung accused products in this lawsuit;

WHEREAS, on January 11, 2012, Apple filed a Motion to Compel seeking documents sufficient to show the version histories, updates, and changes made to the source code affecting accused functionalities;

WHEREAS, on January 27, 2012, the Court issued an order permitting Samsung to either produce the additional source code information or negotiate a stipulation that its production is representative of the functionality of the accused products;

WHEREAS the parties met and conferred regarding the production of such source code or an entry of a stipulation regarding modifications to the accused functionalities;

WHEREAS, the Parties have determined that it is in their mutual interest to memorialize their resolution of this outstanding dispute.

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

4 1. This Stipulation and the information it contains shall be used only in the instant
5 Action, shall not be binding on any party for any other purposes or in any other administrative or
6 judicial proceeding, and shall not be used for any other purposes, including as evidence, in any
7 such other proceeding.

8 2. Nothing in this Stipulation shall be construed as an admission that any of
9 Samsung's products infringe any claim element of any claim of the patents at issue in this
10 Investigation.

11 3. Nothing in this Stipulation shall be construed as an admission of validity or
12 enforceability of any claim of any of the patents at issue in this Action.

13 4. This Stipulation is limited to Samsung products imported and sold in the United
14 States before March 15, 2011.

15 5. For purposes of this lawsuit for assessing infringement of U.S. Patent
16 Nos. 6,493,002, 7,844,915, and 7,812,828, (whether direct or indirect, and whether literal or by
17 equivalents), the version of source code that Samsung produced by December 31, 2011 relating to
18 the functionalities accused of infringing these patents is representative of the source code for all
19 versions of that product released to date.

20 6. For purposes of this lawsuit for assessing infringement of U.S. Patent
21 Nos. 7,469,381, (whether direct or indirect, and whether literal or by equivalents), the version of
22 source code that Samsung produced by December 31, 2011 relating to the functionalities accused
23 of infringing this patent is representative of the source code for all versions of that product
24 released in the United States before approximately August 12, 2011. The version of source code
25 produced on January 23, 2012 is representative of versions of that product released after
26 approximately August 12, 2011.

27 7. For purposes of this lawsuit for assessing infringement of U.S. Patent
28 Nos. 7,853,891, (whether direct or indirect, and whether literal or by equivalents), the version of
source code that Samsung produced by December 31, 2011 relating to the functionalities accused

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of infringing this patent is representative of the source code for all versions of that product released in the United States before approximately December 23, 2011. The version of source code produced on March 10, 2012 is representative of versions of that product released after approximately December 23, 2011.

8. For purposes of this lawsuit for assessing infringement of U.S. Patent Nos. 7,864,163 (whether direct or indirect, and whether literal or by equivalents), the version of source code that Samsung produced by December 31, 2011 relating to the functionalities accused of infringing this patent is representative of the source code for all versions of that product released in the United States before approximately December 23, 2011. The version of source code produced on March 12, 2012 is representative of versions of that product released after approximately December 23, 2011.

9. This stipulation is without prejudice to Samsung's right to modify its source code and products at a later time, including the development of design-arounds to the patents in dispute, and does not constitute a stipulation that the December 31, 2011 code is representative of such later-developed source code and products.

10. 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 this Stipulation.

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Dated: March ____, 2012

MORRISON & FOERSTER LLP

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By: _____
HAROLD J. MCELHINNY
MICHAEL A. JACOBS
JENNIFER LEE TAYLOR
ALISON M. TUCHER
RICHARD S.J. HUNG
JASON R. BARTLETT

Attorneys for Plaintiff
APPLE INC.

By: _____
CHARLES K. VERHOEVEN
KEVIN P.B. JOHNSON
VICTORIA F. MAROULIS
EDWARD DEFRANCO
MICHAEL T. ZELLER

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