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14 INC. and SAMSUNG
   TELECOMMUNICATIONS AMERICA, LLC

15

16   UNITED STATES DISTRICT COURT

17   NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18

19 APPLE INC., a California corporation,   CASE NO. 11-cv-01846-LHK

20   Plaintiff,   **DECLARATION OF TODD BRIGGS IN
                                                SUPPORT OF SAMSUNG'S OPPOSITION
21   vs.   TO APPLE'S RULE 37(B)(2) MOTION
                                                BASED ON SAMSUNG'S ALLEGED
22 SAMSUNG ELECTRONICS CO., LTD., a   VIOLATION OF THE COURT'S
   Korean business entity; SAMSUNG   DECEMBER 22, 2011 ORDER
23 ELECTRONICS AMERICA, INC., a New   REGARDING SOURCE CODE**
   York corporation; SAMSUNG
24 TELECOMMUNICATIONS AMERICA,   Date: April 24, 2012
   LLC, a Delaware limited liability company,   Time: 10:00 a.m.
25   Place: Courtroom 5, 4th Floor
                Defendant.   Judge: Hon. Paul S. Grewal
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                                                        Case No. 11-cv-01846-LHK
   BRIGGS DECLARATION IN SUPPORT OF SAMSUNG'S OPPOSITION TO MOTION FOR SANCTIONS

I, Todd Briggs, declare:

1. I am a partner in the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively, "Samsung"). I submit this declaration in support of Samsung's Opposition To Apple's Rule 37(B)(2) Motion Based On Samsung's Alleged Violation Of The Court's December 22, 2011 Order Regarding Source Code. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and, if called upon as a witness, I could and would testify to such facts under oath.

2. Contrary to the statements in paragraph 2 of Marc Pernick's declaration supporting Apple's motion, I am informed and believe that Samsung has offered to make source code available on several occasions. On October 7, 2011, in its Patent Local Rule 3-4 disclosure, Samsung represented that it would make available for inspection source code relating to Apple's infringement. On December 14, Samsung reiterated to Apple that this source code was available for review. Then again, on December 31, 2011, in accordance with the Court's December 22, 2011 Order, Samsung made additional source code available for inspection. Since its Rule 3-4 disclosures, Samsung has offered to make additional source code available on November 15, 17, and 21 and December 2 and 6. Samsung also produced for inspection source code relating to design-arounds on January 23 and March 10 and 12.

3. By December 31, I am informed and believe that Samsung made source code available for inspection to Apple. That source code, which included the full source code for each of the products at issue and the source code for the accused functionalities, amounted to approximately 829 gigabytes. Based on an estimate of 60 pages per megabyte (MB) and 1024 MBs in a gigabyte (GB), I am informed and believe that the 829 GB of code is roughly 50,933,760 pages of source code.

4. Despite the purported urgency of Apple's request, Apple did not inspect the source code when it was produced; instead, counsel for Apple said that they were not prepared to do so and waited to review the code at a later date.

1   5.   This set of source code included the release-version of the accused products—the

2   version that is most relevant to Apple's claims, which allege infringement and damages by the

3   accused products as of the date of release.

4   6.   Shortly after the Court issued its January 27 Order, Samsung began meeting and

5   conferring with Apple regarding a stipulation identifying the source code that the parties could use

6   as representative of the accused products in order to streamline issues relating to the infringement

7   analysis. The meet and confer process continued throughout February and early March.

8   7.   On March 9, without warning to Samsung, Apple filed its Motion for Sanctions. At

9   that time, the parties were still actively negotiating the stipulation, and following Apple's Motion,

10   counsel for Samsung contacted counsel for Apple regarding the stipulation. Attached hereto as

11   **Exhibit 1** is a true and correct copy of an e-mail from Todd M. Briggs to Marc J. Pernick dated

12   March 15, 2012, transmitting the most recent proposed stipulation.

13   8.   Apple suggested the parties add a provision to the stipulation that Samsung admits

14   it violated the Court's December 22, 2011 Order, and that Samsung agree to the preclusion of

15   Samsung's source code. Attached hereto as **Exhibit 2** is a true and correct copy of a letter sent

16   from Marc J. Pernick to Todd M. Briggs dated March 16, 2012, setting forth Apple's demands

17   with regard to the proposed stipulation.

18   9.   Since Samsung produced its design-around source code on March 10 and 12, I am

19   informed and believe that no one from Apple has printed any part of the code.

20   10.   Since the close of discovery on March 8, 2012, I am informed and believe that

21   Apple has produced 204,246 pages of documents, including over 1,000 pages on the day

22   Samsung's expert reports were due.

23   I declare under penalty of perjury under the laws of the United States that the foregoing is

24   true and correct.

25   Executed in Redwood Shores, California, on March 23, 2012.

26   */s/ Todd Briggs*
                                           Todd Briggs
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BRIGGS DECLARATION IN SUPPORT OF SAMSUNG'S OPPOSITION TO MOTION FOR SANCTIONS

General Order 45 Attestation

I, Victoria F. Maroulis, 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 Todd Briggs has concurred in this filing.

/s/ Victoria Maroulis